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SENATE AND HOUSE JOURNALS

of the

FIFTY-SECOND LEGISLATURE

of the

STATE OF MONTANA

JANUARY 1992

SPECIAL SESSION

Held in Helena, the Seat of Government
Commencing in Special Session January 6, 1992
and Ending January 17, 1992

JOSEPH P. MAZUREK
President of the Senate

HAL HARPER
Speaker of the House

DAVE HUNTER
Secretary of the Senate

JOYCE ANDRUS
Chief Clerk of the House

Published by

Montana Legislative Council

SENATE & HOUSE JOURNALS

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MONTANA

In Special Session

January 6 through January 17, 1992

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OFFICERS AND MEMBERS OF THE MONTANA SENATE 1992

50 Members

29 Democrats — 21 Republicans

OFFICERS

President . . . . . Joseph P. Mazurek
President Pro Tempore . . . . . J.D. Lynch
Majority Leader . . . . . Fred Van Valkenburg
Majority Whip . . . . . Paul Svrcek
Minority Leader . . . . . Bruce Crippen
Minority Whip . . . . . Thomas Keating
Secretary of the Senate . . . . . Dave Hunter

MEMBERS

Name	Residence or Mailing Address	Dist No	County of Residence	Party
Aklestad, Gary C.	P.O. Box 32, Galata, 59444	6	Toole	Republican
Anderson, Jr., John H.	P.O. Box 86, Alder, 59710	37	Madison	Republican
Beck, Thomas A. (Tom)	651 Greenhouse Rd, Deer Lodge, 59722	24	Powell	Republican
Bengtson, Esther G.	8124 Clark Rd, Shepherd, 59079	49	Yellowstone	Democratic
Bianchi, Don	490 Secretariat Circle, Belgrade, 59714	39	Gallatin	Democratic
Blaylock, Chet	502 Third Ave, Laurel, 59044	43	Yellowstone	Democratic
Brown, Robert (Bob)	333 Cougar Trl, Whitefish, 59937	2	Flathead	Republican
Bruski-Maus, Betty	Box 234, Wibaux, 59353	12	Wibaux	Democratic
Burnett, James H. (Jim)	P.O. Box 4460, Luther, 59051	42	Carbon	Republican
Christiaens, B.F. (Chris)	709 4th Ave N, Great Falls, MT 59401	18	Cascade	Democratic
Crippen, Bruce D.	P.O. Box 80747, Billings, 59108-0747	45	Yellowstone	Republican
Devlin, Gerry	P.O. Box 186, Terry, 59349	13	Prairie	Republican
Doherty, Steve	1531 3rd Ave SW, Great Falls, 59404	20	Cascade	Democratic
Eck, Dorothy	10 W Garfield, Bozeman, 59715	40	Gallatin	Democratic
Farrell, William E. (Bill)	Box 8305, Missoula, 59807	31	Missoula	Republican
Franklin, Eve	4021 4th Ave S, Great Falls, 59405	17	Cascade	Democratic
Fritz, Harry	675 E Central Ave, Missoula, 59801	28	Missoula	Democratic
Gage, Delwyn	P.O. Box 787, Cut Bank, 59427	5	Glacier	Republican
Grosfield, Lorents	HC 87, Box 2145, Big Timber, 59011	41	Sweet Grass	Republican
Hager, Thomas O. (Tom)	150 Norris Ct, Billings, 59105	48	Yellowstone	Republican
Halligan, Mike	P.O. Box 9121, Missoula, 59807	29	Missoula	Democratic
Hammond, H. W. (Swede)	P.O. Box 1366, Malta, 59538	9	Phillips	Republican
Harding, Ethel M.	P.O. Box 251, Polson, 59860	25	Lake	Republican
Harp, John G.	53 Willow Dr, Kalispell, 59901	4	Flathead	Republican
Hockett, Bob	Shambo Rte Box 306, Havre, 59501	7	Hill	Democratic
Jacobson, Judy H.	330 Blacktail Canyon Rd, Butte, 59701	36	Silver Bow	Democratic
Jergeson, Greg	RR 71 Box 8, Chinook, 59523	8	Blaine	Democratic
Keating, Thomas F.	P.O. Box 20522, Billings, 59104	44	Yellowstone	Republican
Kennedy, Jr., John (Ed)	5567 Montana Hwy 35, Kalispell, 59901	3	Flathead	Democratic
Koehnke, Francis	P.O. Box 692, Townsend, 59644	16	Broadwater	Democratic
Lynch, John (J. D.)	527 W Mercury, Butte, 59701	34	Silver Bow	Democratic
Mazurek, Joseph P.	516 Hayes, Helena, 59601	23	Lewis & Clark	Democratic
Nathe, Dennis G.	P.O. Box 4, Redstone, 59257	10	Sheridan	Republican
Noble, Jerry	712 Central W, Great Falls, 59404	21	Cascade	Republican
Pinsoneault, Richard J.	P.O. Box 250, St. Ignatius, 59865	27	Lake	Democratic

OFFICERS AND MEMBERS OF THE MONTANA SENATE

Pipinich, Bob	4430 Hwy 200 Marshall Grade, Missoula, 59802	33	Missoula	Democratic
Rea, Jack (Doc)	2255 Madison Rd, Three Forks, 59752	38	Gallatin	Democratic
Rye, David	2211 Oak St, Billings, 59102	47	Yellowstone	Republican
Stimatz, Lawrence G.	P.O. Box 3762, Butte, 59702	35	Silver Bow	Democratic
Svrcek, Paul S.	P.O. Box 1392, Thompson Falls, 59873	26	Sanders	Democratic
Swift, Bernie A.	236 Rose Ln, Hamilton, 59840	32	Ravalli	Republican
Thayer, Gene	1200 32 St S Apt 2, Great Falls, 59405	19	Cascade	Republican
Towe, Thomas E. (Tom)	P.O. Box 30457, Billings, 59107	46	Yellowstone	Democratic
Tveit, Larry J.	RR 1 Box 1475, Fairview, 59221	11	Richland	Republican
Van Valkenburg, Fred R.	219 University, Missoula, 59801	30	Missoula	Democratic
Vaughn, Eleanor L.	251 Mahoney Rd, Libby, 59923	1	Lincoln	Democratic
Waterman, Mignon	530 Hazelgreen Place, Helena, 59601	22	Lewis & Clark	Democratic
Weeding, Cecil F.	P.O. Box 78, Jordan, 59337	14	Garfield	Democratic
Williams, Bob	P.O. Box 390, Hobson, 59452	15	Judith Basin	Democratic
Yellowtail, Bill	P.O. Box 308, Wyola, 59089	50	Big Horn	Democratic

OFFICERS AND MEMBERS OF THE MONTANA HOUSE 1992

100 Members

61 Democrats 39 Republicans

OFFICERS

Speaker . . . . . Hal Harper
Speaker Pro Tempore . . . . . Dave Brown
Majority Leader . . . . . Jerry Driscoll
Majority Whip . . . . . Paula Darko
Minority Leader . . . . . John Mercer
Minority Whip . . . . . Larry Grinde
Chief Clerk of the House . . . . . Joyce Andrus

MEMBERS

Name	Residence or Mailing Address	Dist No	County of Residence	Party
Bachini, Bob	409 19th St, Havre, 59501	14	Hill	Democratic
Bardanouve, Francis	P.O. Box 367, Harlem, 59526	16	Hill	Democratic
Barnett, Joe	204 N Davis, Belgrade, 59714	76	Gallatin	Republican
Barnhart, Beverly	614 S 6th, Bozeman, 59715	80	Gallatin	Democratic
Beck, Gary	93 East Side Rd, Deer Lodge, 59722	48	Lewis & Clark	Democratic
Becker, Arlene	1440 Lewis Ave, Billings, 59102	91	Yellowstone	Democratic
Benedict, Steve	P.O. Box 668, Hamilton, 59840	64	Ravalli	Republican
Bergsagel, Ernest	HC 84 Box 8045, Malta, 59538	17	Valley	Republican
Boharski, William E.	P.O. Box 2965, Kalispell, 59901	4	Flathead	Republican
Bradley, Dorothy	919 W Lamme, Bozeman, 59715	79	Gallatin	Democratic
Brooke, Vivian M.	1610 Madeline Ave, Missoula, 59801	56	Missoula	Democratic
Brown, Dave	3040 Ottawa, Butte, 59701	72	Silver Bow	Democratic
Brown, Jan	906 Madison Ave, Helena, 59601	46	Lewis & Clark	Democratic
Clark, Robert C.	P.O. Box 262, Ryegate, 59074	31	Wheatland	Republican
Cobb, John	P.O. Box 388, Augusta, 59410	42	Lewis & Clark	Republican
Cocchiarella, Vicki	535 Livingston Ave, Missoula, 59801	59	Missoula	Democratic
Cody, Dorothy A.	P.O. Box 973, Wolf Point, 59201	20	Roosevelt	Democratic
Cohen, Ben	P.O. Box 1657, Whitefish, 59937	3	Flathead	Democratic
Connelly, Mary Ellen	3315 Whitefish Stage, Kalispell, 59901	8	Flathead	Democratic
Cromley, Brent R.	235 Park Hill Dr, Billings, 59101	94	Yellowstone	Democratic
Daily, Fred (Fritz)	1057 W Steel, Butte, 59701	69	Silver Bow	Democratic
Darko, Paula A.	P.O. Box 490, Libby, 59923	2	Lincoln	Democratic
Davis, Ervin	P.O. Box 63, Charlo, 59824	53	Lake	Democratic
DeBruycker, Jane	P.O. Box 7700, Dutton, 59433	11	Teton	Democratic
DeBruycker, Roger	SR Box 8, Floweree, 59440	13	Choteau	Republican
Dolezal, Edward J.	3236 Fifth Ave S, Great Falls, 59405	34	Cascade	Democratic
Dowell, Tim	46 West View Dr, Kalispell, 59901	5	Flathead	Democratic
Driscoll, Jerry L.	4344 Stone St, Billings, 59101	92	Yellowstone	Democratic
Elliott, Jim	100 Trout Creek Rd, Trout Creek, 59874	51	Sanders	Democratic
Ellis, Jr., Alvin A.	Rt 1, P.O. Box 4840, Red Lodge, 59068	84	Carbon	Republican
Ellison, Orval S.	HC 59 Box 106, McLeod, 59052	81	Park	Republican
Fagg, Russell	221 Ave E, Billings, 59101	89	Yellowstone	Republican
Feland, Gary	215 11th Ave N, Shelby, 59474	12	Toole	Republican
Forrester, Gary	2527 Gardiner St R 8, Billings, 59101	98	Yellowstone	Democratic

OFFICERS AND MEMBERS OF THE MONTANA HOUSE

Foster, Mike	P.O. Box 126, Townsend, 59644	32	Broadwater	Republican
Galvin, Patrick G.	105 29th Ave NW, Great Falls, 59404	40	Cascade	Democratic
Gervais, Floyd (Bob)	P.O. Box 1810, Browning, 59417	9	Glacier	Democratic
Gilbert, Bob	P.O. Drawer 1228, Sidney, 59270	22	Richland	Republican
Gould, R. Budd	2205 S Fifth W, Missoula, 59801	61	Missoula	Republican
Grady, Edward J. (Ed)	Star Route, Canyon Creek, 59633	47	Lewis & Clark	Republican
Grinde, Larry Hal	RR 3, Lewistown, 59457	30	Fergus	Republican
Hansen, Stella Jean	841 Woodford St, Missoula, 59801	57	Missoula	Democratic
Hanson, H. S. (Sonny)	2237 Green Terrace Dr, Billings, 59102	87	Yellowstone	Republican
Hanson, Marian W.	P.O. Box 237, Ashland, 59003	100	Powder River	Republican
Harper, Hal	9 Comstock Rd, Helena, 59601	44	Lewis & Clark	Democratic
Harrington, Dan W.	1201 N Excelsior, Butte, 59701	68	Silver Bow	Democratic
Hayne, Harriet	P.O. Box 285, Dupuyer, 59432	10	Pondera	Republican
Hoffman, David	2720 Hwy 287, Sheridan, 59749	74	Madison	Republican
Johnson, John	124 Gresham, Glendive, 59330	23	Dawson	Democratic
Johnson, Royal C.	2915 Illinois, Billings, 59102	88	Yellowstone	Republican
Kadas, Mike	922 Taylor, Missoula, 59802	55	Missoula	Democratic
Kasten, Betty Lou	HC 77 Box A-14, Brockway, 59214	28	McCone	Republican
Keller, Vernon V.	HC 55 Box 355, Fishtail, 59028	83	Stillwater	Republican
Kilpatrick, Thomas E.	814 First Ave Box 546, Laurel, 59044	85	Yellowstone	Democratic
Kimberley, Bervyl C. (Berv)	2511 Wyoming Ave, Billings, 59102	90	Yellowstone	Democratic
Knox, Dick	HCR Box 14, Winifred, 59489	29	Fergus	Republican
Larson, Don	P.O. Box 285, Seeley Lake, 59868	65	Missoula	Democratic
Lee, Thomas N.	P.O. Box 261, Bigfork, 59911	49	Lake	Republican
Madison, James	Jefferson City, 59638	75	Jefferson	Democratic
McCaffree, Ed	P.O. Box 1354, Forsyth, 59327	27	Rosebud	Democratic
McCarthy, Bea	1906 Ogden, Anaconda, 59711	66	Deer Lodge	Democratic
McCulloch, Scott T.	611 Tabriz Dr, Billings, 59105	96	Yellowstone	Democratic
Measure, Bruce	P.O. Box 918, Kalispell, 59903	6	Flathead	Democratic
Menahan, William T. (Red)	1304 W Fifth, Anaconda, 59711	67	Deer Lodge	Democratic
Mercer, John A.	P.O. Box 450, Polson, 59860	50	Lake	Republican
Messmore, Charlotte K.	14 20th St S, Great Falls, 59401	38	Cascade	Republican
Nelson, Linda J.	HC 51 Box 30, Medicine Lake, 59247	19	Sheridan	Democratic
Nelson, Thomas E.	1116 Moon Valley Rd, Billings, 59105	95	Yellowstone	Republican
Nisbet, Jerry	1401 Park Garden Rd, Great Falls, 59405	35	Cascade	Democratic
O'Keefe, Mark	531 Power St, Helena, 59601	45	Lewis & Clark	Democratic
Pavlovich, Robert J. (Bob)	1375 Harrison Ave, Butte, 59701	70	Silver Bow	Democratic
Peck, Ray	729 Fourth Ave, Havre, 59501	15	Hill	Democratic
Peterson, Mary Lou	234 Glen Lake Dr, Eureka, 59917	1	Lincoln	Republican
Phillips, John E.	1200 32nd St S #61, Great Falls, 59405	33	Cascade	Republican
Quilici, Joe	3040 Kossuth, Butte, 59701	71	Silver Bow	Democratic
Raney, Bob	212 S Sixth St, Livingston, 59047	82	Park	Democratic
Ream, Robert R. (Bob)	5950 Wildcat Rd, Missoula, 59802	54	Misoula	Democratic
Rice, Jim	1525 Williamsburg Rd, Helena, 59601	43	Lewis & Clark	Republican
Rice, Sheila	1501 4th Ave N, Great Falls, 59401	36	Cascade	Democratic
Russell, Angela	P.O. Box 333, Lodge Grass, 59050	99	Big Horn	Democratic
Schye, Ted	N Star Route, Glasgow, 59230	18	Valley	Democratic
Scott, John F.	P.O. Box 58, Ballantine, 59006	97	Yellowstone	Democratic
Simpkins, Richard D.	1221 Park Garden Rd, Great Falls, 59404	39	Cascade	Republican
Southworth, Jim	3843 Sandpiper Lane, Billings, 59102	86	Yellowstone	Democratic
Spring, Wilbur	2383 Penwell Bridge Rd, Belgrade, 59714	77	Gallatin	Republican
Squires, Carolyn M.	2111 S Tenth St W, Missoula, 59801	58	Missoula	Democratic
Stang, Barry (Spook)	142 Montana Hwy 135 S, St. Regis, 59866	62	Mineral	Democratic
Steppler, Don	P.O. Box 431, Brockton, 59213	21	Richland	Democratic
Stickney, Jessica	2206 Main St, Miles City, 59301	26	Custer	Democratic

Strizich, William S. (Bill)	736 27th Ave NE, Great Falls, 59404	41	Cascade	Democratic
Swysgood, Charles	506 S Atlantic, Dillon, 59725	73	Beaverhead	Republican
Thoft, Bob	1520 S Burnt Fork Rd, Stevensville, 59870	63	Ravalli	Republican
Thomas, Fred	3566 Holy Lane, Stevensville, 59870	62	Ravalli	Republican
Toole, Howard	1625 McDonald, Missoula, 59801	60	Missoula	Democratic
Tunby, Rolph	Box 56, Plevna, 59344	24	Fallon	Republican
Wallin, Norm	2422 Springcreek Dr, Bozeman, 59715	78	Gallatin	Republican
Wanzenried, David E.	435 3rd Ave NE, Kalispell, 59901	7	Flathead	Democratic
Whalen, Timothy J.	101 Avenue C, Billings, 59101	93	Yellowstone	Democratic
Wyatt, Diana E.	300 31st St S, Great Falls, 59405	37	Cascade	Democratic
Zook, Tom	c/o Broadus Stage, Miles City, 59301	25	Custer	Republican

SENATE JOURNAL

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MONTANA

In Special Session

January 6 through January 17, 1992

Joseph P. Mazurek
President of the Senate

Dave Hunter
Secretary of the Senate

Jody Bird
Journal Clerk

Ben J. Harris
Assistant Journal Clerk

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FIRST LEGISLATIVE DAY

Helena, Montana
January 6, 1992

Senate Chambers
State Capitol

President Mazurek called the First Special Session of the 52nd Legislature to order at 10 a.m.

COMMUNICATIONS AND PETITIONS

TO: Members of the Montana State Senate
Members of the Montana House of Representatives
Members of the Montana Supreme Court
Montana Elected Officials

GOVERNOR'S CALL TO CONVENE THE FIFTY-SECOND MONTANA LEGISLATURE INTO SPECIAL SESSION

By the power vested in me in Section 6, Article V and Section 11, Article VI of the Montana Constitution and such other applicable laws, I hereby call the Montana Legislature to convene into special session, commencing at 10 a.m., Monday, the 6th day of January, 1992.

I have determined that it is in the public interest that the legislature convene into special session. I hereby direct the Special Session of the Fifty-Second Montana Legislature to consider action that would:

1. Revise House Joint Resolution 24, passed and approved by the 52nd Montana Legislative Assembly, to update revenue estimates for the state general fund and school equalization account.

2. Amend House Bill 2, Chapter 815, Laws of Montana, 1991, and consider reductions in other appropriations for the purpose of balancing the state budget for the 1993 biennium and reducing the state's overall financial obligations. Consider legislation necessary to implement reductions in appropriations.

   This request excludes consideration of elementary and high school district 1993 biennium foundation program and the school foundation payment schedules as provided by Sections 20-9-318, 20-9-319 and 20-9-320, MCA.

3. Consider transfer of various funds and the diversion of revenues from other funds to the general fund and/or school equalization account for the purpose of balancing the budget for the 1993 biennium.

4. Eliminate the authority of the Department of Revenue to establish and maintain state employee operated liquor stores after June 30, 1993; converting approximately thirty (30) state-owned liquor stores to agency franchise operations; and diverting the 1993 biennium inventory investment and expenditure savings of this legislation to offset tuition increases on Montana's postsecondary education system which were imposed by the Board of Regents scheduled to take effect January 1992.

5. Establish for tax years beginning after December 31, 1992, mandatory payment dates of April 15, June 15, September 15 and January 15 for the estimated state individual income tax. Any resulting difference in tax receipts between fiscal years as a result of this legislation shall be used to balance the state's budget for the 1993 biennium and not to increase the state's overall financial obligation.

6. Consider legislation to appropriate funds for expenditures directly related to the special session.

SPECIAL ORDERS OF THE DAY

Lieutenant John Walsh and members of the Montana National Guard posted the colors, followed by the Pledge of Allegiance to the Flag.

Invocation by the Chaplain, Father Eugene Peoples.

First Judicial District Judge, the Honorable Tom Honzel, was admitted to the Senate chambers, and administered the following official oath of office to Senate appointee Chris Christiaens who subscribed to same:

"I do solemnly swear or affirm that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will perform the duties of my office as a Montana Senator with fidelity, so help me God."

Roll call. All members present except Keating, Beck, and Farrell, excused. Quorum present.

MOTIONS

Majority Leader Van Valkenburg moved that the rules of the 52nd Legislature be made applicable to this special session, except joint rules amended or deleted. Motion carried.

RULES ADDENDUM
FIRST SPECIAL SESSION, JANUARY 6, 1992
MONTANA STATE SENATE
AMENDED OR DELETED JOINT RULES

1. Joint Rules 40-40(1), 40-50, 40-160(4) and (5), 40-150(1), 40-100, and 40-200 do not apply.

2. Senate Rules S40-40(2), S40-60(2), and S50-170(1) do not apply.

The following provisions in place of Joint Rule 40-160(4) and (5) are adopted:

"(4) A bill that has passed both houses of the Legislature by the last day of the session may be:

(a) enrolled;

(b) clerically corrected by the presiding officers, if necessary;

(c) signed by the presiding officers; and

(d) delivered to the Governor not later than five working days after the last legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the last day of the special session."

Majority Leader Van Valkenburg moved that the President appoint a select committee of three to notify the Governor that the Senate was organized and ready for the transaction of business and to invite the Governor to address a joint session of the Senate and House of Representatives on Monday, January 6, 1992 at 11 a.m. Motion carried. The President appointed the following committee:

Sen. Lynch, Chair
Sen. Eck
Sen. Anderson

Majority Leader Van Valkenburg moved that the President appoint a select committee of three to notify the Chief Justice and associate justices of the Supreme Court that the Senate was organized and ready for the transaction of business and to invite the Chief Justice and the justices of the Supreme Court to attend a joint session of the Senate and the House of Representatives on Monday, January 6, 1992 at 11 a.m. Motion carried.The President appointed the following committee:

Sen. Pinsoneault, Chair
Sen. Waterman
Sen. Harding

Majority Leader Van Valkenburg moved that the President appoint a select committee of three to notify the House of Representatives that the Senate was organized and ready for business and that the Senate wished them success in their deliberations. Motion carried. The President appointed the following committee:

Sen. Weeding, Chair
Sen. Yellowtail
Sen. Aklestad

The President excused the committee members to perform their assigned duties.

Majority Leader Van Valkenburg moved that the Senate stand in recess, subject to the call of the Chair. Motion carried.

Senate recessed at 10:11 a.m.

Senate reconvened at 10:22 a.m. Mr. President in the Chair.

REPORTS OF SELECT COMMITTEES

Sergeant-at-Arms Linda Carlson announced the return of select committees, and escorted them to the well of the Senate.

The committee appointed to notify the House of Representatives that the Senate was organized and ready for business reported that the House of Representatives was contacted. The message was acknowledged, and the committee was dismissed.

The committee appointed to notify the Chief Justice and the justices of the Supreme Court that the Senate was organized and ready for business reported that the Chief Justice and the associate justices of the Supreme Court were contacted. The message was acknowledged, and the committee was dismissed.

The committee appointed to notify the Governor that the Senate was organized and ready for business reported that the Governor was contacted. The message was acknowledged, and the committee was dismissed.

MOTIONS

Majority Leader Van Valkenburg moved that accredited members of the press, radio, and television be granted the privilege of the Senate floor, subject to the rules. Motion carried.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Jergeson, Chairman) 1/3/92
Recommend the following appointments:

to the Business and Industry Committee: Senator Chris Christiaens, replacing Senator Franklin

to the Labor and Employment Relations Committee: Senator Chris Christiaens, replacing Senator Doherty

to the Legislative Administrative Committee: Senator Chris Christiaens

Senator Jergeson moved adoption of committee report. Motion carried.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/3/92
Recommend employment of the following attaches as of 8:00 a.m., Monday, January 6, 1992:

TITLE	NAME
Secretary of the Senate	David Hunter
Sergeant-at-Arms	Linda S. Carlson
Senate Chaplain	Father Eugene Peoples
Asst. Secretary of the Senate	Sue Bartlett
Word Processing Supervisor	Linda Casey

Journal Clerk	Jody Bird
Bills Coordinator	Poody McLaughlin
Amendments Coordinator	John Ilgenfritz
Asst. Sergeant-at-Arms	Tre' Kennedy
Asst. Sergeant-at-Arms	Ken Martello
Asst. Sergeant-at-Arms	Greg Eklund
Secretary to the Secretary of the Senate	Shari Briggeman
Secretary to the Asst. Secretary of the Senate	Susan Brunner
Secretary to President	Bobby Murphy
Secretary to Majority Leader	Claudia Clifford
Secretary to Majority Whip	Janean Meacham
Secretary to Minority Leader	Rosemary Jacoby
Secretary to Minority Whip	Bernie Nelson
Communications Operator	Hazel Swenson
Asst. Word Processing Supervisor	Maureen Schwinden
Asst. Bills Coordinator	Paul Porte
Status Input	Ben Harris
Doorman	Hal Stearns
Finance and Claims Secretary	Lynn Staley
Page	Mandy Aagenes
Page	Eric Engstead
Page	Ryan Mazurek
Page	Sara Casey
Page	Sky Foster
Page	Kriss Brody
Page	Tom Lopach
Page	Kerry Hale
Page	Greg Juvan
Page	Laurie Ashley

Senator Waterman moved adoption of committee report. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following bill was introduced, read first time, and referred to committee:

SB 1, introduced by Harp, referred to Committee on Taxation.

ANNOUNCEMENTS

Committee meetings were announced by committee Chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 1:30 p.m., Tuesday, January 7, 1992. Motion carried.

Senate adjourned at 10:32 a.m. to enter into Joint Session with the House of Representatives at 10:45 a.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

JOINT SESSION OF THE FIRST SPECIAL SESSION
OF THE 52ND LEGISLATURE

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Regan escorted the Honorable Senate into the House Chambers.

House Speaker Harper introduced President Mazurek, and yielded the Chair to him.

Senate Majority Leader Van Valkenburg moved that the body resolve itself into a joint session for the purpose of receiving an address from the Honorable Stan Stephens, Governor of the State of Montana. Motion carried.

Senate Majority Leader Van Valkenburg moved that Senate President Mazurek be authorized to appoint a select committee of four to notify the Governor that the House and Senate are in joint session and are ready to receive his opening remarks. Motion carried.

Senate President Mazurek appointed Senators Jacobson and Nathe and Representatives Brooke and Wallin, and discharged them to escort the Governor to the House chambers.

Father Peoples gave the invocation. The Pledge of Allegiance to the Flag followed.

Senate President Mazurek introduced the Honorable Stan Stephens, Governor of the State of Montana, who then delivered the following:

REMARKS OF GOVERNOR STAN STEPHENS
OPENING THE 1992 SPECIAL LEGISLATIVE SESSION
MONTANA HOUSE CHAMBERS, STATE CAPITOL BUILDING
JANUARY 6, 1992, 10:45 A.M.

ACKNOWLEDGEMENTS

I will not keep you long this morning. My remarks will be brief because you have important work ahead of you. Completing that work in a timely manner will be appreciated by the Montanans we are elected to serve.

Your mission over the next few days is very straightforward: bring the state's general fund spending into balance with the anticipated general fund revenues. Adjusting budgets is never easy, but accomplishing our mission can be done by scaling back the funding increases you provided state agencies in the regular session. With this type of action, virtually every state service...education, human services, institutions, natural resources and general government...will still be operating with increased funding over what was allocated for the last biennium. We need to do some belt tightening, but we do not need to disrupt the delivery of public services to Montanans.

To assist you in your task, state agencies have developed a blueprint for you to follow. It's a plan that balances the state's budget without increasing taxes...provides funding increases for state services...and addresses the state's cash flow needs over the biennium. It's a plan that does not deprive Montanans of needed and necessary services while taking into account the financial resources available.

This blueprint has been five months in the making. I cannot say enough about the cooperative efforts put forth by the men and women in our state agencies who have worked diligently to put this plan together. I commend them for their work and ask that every member of the House and Senate give this blueprint serious, thoughtful and informed consideration. It deserves nothing less.

Montana is not alone in having to address spending reductions. Two-thirds of the states in this country are revising their budgets because of the effects of the national economy, lower interest rates, federal mandates and other factors. The silver lining for Montana is that our fiscal situation is more stable in comparison with other states. And, our solution does not require the draconian options faced by other states.

-- In Maine, state school aid is being cut and over 2600 state employees will be laid off.

-- In Connecticut, more than 6% (3,600 of 55,000) of the state's workforce has been laid off.

-- In California, the administration has proposed a referendum to cut welfare grants by as much as 25%.

-- In Washington state, 1100 state employees could be laid off, a 19% tuition increase is being recommended for university students, and over $30 million has been cut from the budget for schools.

-- In our neighbor Wyoming, a state pay freeze and $100 million in budget cuts are planned for this year and another 12% reduction in state spending is being planned for next year.

-- In Montana, we are addressing a $106 million budget deficit by implementing increased efficiencies within our agency operations, delaying new program start ups, reducing general fund spending and making more efficient use of the non-general fund resources available to us. There are no massive layoffs, no pay freezes, no reductions in education funding or funding for any necessary state service. In fact, education funding is up 24%...human services funds are up 21%...our institutions have an 11% increase in their budgets. Let me repeat that the blueprint we are presenting to you balances Montana's budget by reducing the increases you as legislators provided state service in the last session. State support is more, not less, for these services and the budget increases are provided responsibly...all this is done without increasing the tax burden on Montana's taxpayers.

The fact that Montana's fiscal situation is better than many other states reflects well on your performance as Montana legislators. Yours is a superior track record and your counterparts in other states recognize that.

A word of caution. Special interest groups, whose voices are raised in every legislative session, will be in attendance to promote ever increasing spending for their favored projects. They are the advocates of more spending and increased taxes for Montanans provided their cause receives the additional funds. Montanans whose taxes pay the costs of government support reduced spending and oppose those who clamor for tax increases.

Let us remember that among the western states, Montana is:

1. Second in per capita tax revenue;
2. Second [formerly first] in top marginal income tax rates;
3. Second in income taxes as a fraction of income;
4. Second in property taxes as a percentage of income.

Do heavy state taxes hurt jobs and economic growth? When a state taxes more than other states in the region, the answer is clearly "yes".

An important statement previously published in the Montana press bears repeating. In a detailed analysis of state tax policies, Stephen Moore of the Texas Public Policy Foundation made this conclusion: "Today the almost universal evidence indicates that the states' relative economic performance is intricately linked to their tax burdens. That research of the 1980's shows that low-tax states and states with declining tax burdens have created more jobs, have experienced faster income growth, and have attracted more new businesses than high tax states."

Moore concluded his analysis with this sweeping statement. "There is no such thing as a pro-growth tax."

In balancing our budget in Montana the solution is less spending, not more taxes.

Let me touch briefly on a topic that is a top priority for Montanans and all of us here who are elected to represent the collective interest of Montanans. That topic is education.

The legislature should be aware that the Call for this Special Session was prepared in consultation with the legislative leaders of both parties. I have recommended that the State's school equalization payments to local school districts not be included in the consideration of spending reductions. In fact, about half of the budget actions we are recommending are being taken to ensure that Montana's public schools continue to receive the state funds previously appropriated.

In addition, one of the major actions you will be asked to approve is a program to eliminate the mid-year college tuition hike passed by the Board of Regents. This is a fairness issue for the students which can be addressed by demonstrating that education is clearly a priority service of government. We have a proposal which moves state government out of an

area which is clearly not a needed and necessary government service...the retail sale of liquor. The private sector can and does handle that service very well. In our proposal, we will take the revenues realized from this change and invest it in an area which is a high priority for Montanans and an important government function...that's education.

Let me provide a brief history of Montana's continuing policy of creating privately operated agency liquor stores.

In 1975 under Governor Tom Judge, Montana owned and operated 138 liquor stores. Under authority granted by the legislature, the administrations of Governor Judge and later Governor Schwinden reduced the number of state-owned stores to 40.

As private contractors took over the operation of these 98 stores the number of state employees were reduced from 337 to 125. Prior to 1989, there was no outcry that state workers were losing jobs, or that state policy privatizing state-owned stores was not in the public interest.

Today, Montana operates 30 state-owned outlets while 93 agency operations are serving the public very well.

To continue this policy by moving the state's 30 remaining state-owned liquor stores to agency status will not diminish revenues to the state or services to the public, but it will create a one-time influx of $4 million to eliminate the mid-year tuition increase. There will be ongoing savings for Montana's taxpayers as well. State employees in those stores will be given preferential treatment and provided options for their future career opportunities.

Under our proposal, agency stores will have the flexibility to serve the public with expanded hours. During busy periods such as the holiday season, there will be no requirement to close on Mondays, or state holidays, or to maintain 9-5 hours. The owner of the franchise will be free to establish hours in keeping with public demand. This change benefits the public and Montana's university students.

The future of Montana's University System is important to each and every one of us gathered here today. It's important to the future of Montana. That's why we've made the university system a priority in each of the budgets we've presented to this appropriating body. The system's priority position has not changed in the revised budget we are submitting to you in this special session.

We are asking the Board of Regents and the university system to reduce their general fund spending by $16 million. Even with this general fund reduction, the university system will still receive an additional $30 million or a 13% increase in general fund money compared with what it spent last biennium. The system will have an additional $77 million when one considers all funds. These amounts are substantial and demonstrate a strong commitment of support for our system of higher education.

Montana is one of the few states in the nation which has provided funding increases in excess of 10% for its colleges and universities this year. We are working to increase those financial resources even more through economic growth and creating new job opportunities for Montanans. As these efforts succeed, higher education benefits.

In addition to increased funding, the system is in need of structural change as well. That's not something for this special session to add to its agenda, it's something that requires a lengthier, more detailed review and approach. The Education Commission for the 90s and Beyond which I appointed recommended an ongoing review of higher education's needs and operations by a public advisory group. We will be working with the Board of Regents, the Commissioner's Office, and legislative leaders to conduct this review. As Governor, I intend to take a leadership role in this endeavor.

Our university system can and should be the best in the West. A highly trained and educated workforce is essential toward attracting business and creating jobs for Montana. An outstanding university system, working in partnership with the private business sector is a vital and necessary component in our state's economic development. This can be accomplished over time by minimizing duplication, providing administrative efficiency and making the maximum use of new communications technology to meld our entire system of post-secondary education into a single, truly unified system. And it can be done without reducing the mission of a single unit in any of our communities.

This special session has evolved in a spirit of mutual cooperation between the legislative and executive branches. As an added example of this, we have expanded the session's call to address how Montana will handle our upcoming primary election in light of the state's lawsuit regarding the Census and Congressional Reapportionment. This is one of a number of bipartisan actions we've taken and I trust that spirit of cooperation will continue through sine die.

I want to express my appreciation to our four legislative leaders, Senate President Joe Mazurek and Minority Leader Bruce Crippen, and House Speaker Hal Harper and Minority Leader John Mercer, for the work they have performed in preparing for the session and to commend Appropriations Chairman, Francis Bardanouve, and Finance and Claims Chairman, Judy Jacobson, and the members of their respective committees, for the considerable work they have performed in scheduling important public hearings in advance of today's commencement of the full Assembly.

Together we have an opportunity to demonstrate to Montanans that at the top of this new year of 1992, we can resolve serious matters in a responsible bipartisan manner that will reflect credit on how state government should function.

The public will be monitoring our performance and passing judgment.

I wish you well in your deliberations.

The select committee escorted Governor Stephens and his official party from the joint session.

Senate Majority Leader Van Valkenburg moved the joint session of the First Special Session of the 52nd Legislature be adjourned. Motion carried.

Members of the Senate retired from the House chambers at 11:01 a.m.

SECOND LEGISLATIVE DAY

Helena, Montana
January 7, 1992

Senate Chambers
State Capitol

Senate convened at 1:30 p.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present except Senators Beck, Keating, and Farrell, excused. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

SB 2, introduced by Mazurek, Harper, Crippen, Mercer (by request of the Secretary of State and the Department of Justice), referred to Committee on State Administration.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 1:30 p.m., Wednesday, January 8, 1992. Motion carried.

Senate adjourned at 1:38 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

THIRD LEGISLATIVE DAY

Helena, Montana
January 8, 1992

Senate Chambers
State Capitol

Senate convened at 1:30 p.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present except Beck, Farrell, Pinsoneault, and Weeding, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Koehnke introduced Class C Champion Belt High School girls' basketball team, and coach Dennis Gerke at the well of the Senate.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 1, introduced by Bardanouve.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

SB 3, introduced by Brown (by request of the Department of Revenue), referred to Committee on Taxation
HB 1, introduced by Bardanouve, referred to Committee on Finance and Claims

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Pipinich, Chairman): 1/8/92
Correctly printed and placed on members' desks: SB 1, SB 2
Correctly engrossed: SB 1, SB 2

FINANCE AND CLAIMS (Jacobson, Chairman): 1/8/92
HB 1 be concurred in. Report adopted.

STATE ADMINISTRATION (Vaughn, Chairman): 1/7/92
SB 2 do pass. Report adopted.

TAXATION, (Halligan, Chairman): 1/8/92
SB 1, introduced bill, be amended as follows:

1. Title, line 8.
Following: "ACT;"
Insert: "REVISING THE DATE ON WHICH THE STATE TREASURER TRANSFERS FUNDS TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD AND THE TEACHERS' RETIREMENT BOARD AND THE DATE ON WHICH ADJUSTMENT PAYMENTS ARE MADE;"
Following: "AMENDING"
Insert: "SECTIONS 19-15-101 AND 19-15-102, MCA, AND"

2. Title, line 9.

Strike: "AN IMMEDIATE"
Strike: "DATE"
Insert: "DATES"

3. Page 2.
Following: line 25
Insert: "Section 2. Section 19-15-101, MCA, is amended to read:

"19-15-101. Retirement adjustment -- annual deposit -- statutory appropriation. (1) There are statutorily appropriated, as provided in 17-7-502, from the general fund to the public employees' retirement board and the teachers' retirement board the amounts provided in subsection (2) for distribution to members of retirement systems as provided in 19-15-102.

(2) On or before ~~May~~ March 1 of each year, the state treasurer shall pay to the public employees' retirement board and the teachers' retirement board an amount equal to 2½% of the total benefits paid by both systems during the prior calendar year. In distributing the appropriations to the boards, the treasurer shall consult with the boards to determine the amounts necessary for uniform payments to members. The amount of the benefits must be certified to the treasurer by the public employees' retirement board and the teachers' retirement board no later than April 1 of each year. For the purpose of this section, the public employees' retirement board shall collect information and certify the amount of benefits paid pursuant to Title 19, chapters 10 and 11. Not later than February 15 of each year, the boards of trustees of local police retirement funds, provided in 19-10-201, and boards of trustees of local fire department relief associations, provided in 19-11-104, shall submit reports on benefit payments containing information requested by the public employees' retirement board."

Section 3. Section 19-15-102, MCA, is amended to read:

"19-15-102. Montana retirement adjustment payments -- public employees' retirement board. (1) Not later than ~~June~~ April 1 of each year, the public employees' retirement board and the teachers' retirement board shall fix and pay to those members entitled to it an annual adjustment payment. The adjustment payment is determined for each system based upon the benefits paid by the system in the prior calendar year and on the annual benefit to which each Montana resident member of the system is entitled.

(2) (a) The public employees' retirement board shall allocate money appropriated for retirement adjustment to the public retirement systems in Title 19, chapters 3 and 5 through 13. The allocation to each system must be made based upon the annual amount each system's benefits payments bears to the amount paid by all of the systems specified in this subsection.

(b) The teachers' retirement board shall administer the money appropriated for retirement adjustment to the teachers' retirement system in Title 19, chapter 4.

(3) (a) Each member of a system listed in subsection (2) who is a resident of the state and who is entitled to an annual benefit is entitled to a retirement adjustment payment. Each

retirement system specified in subsection (2), through the public employees' retirement board, the teachers' retirement board, or a local retirement board of trustees, as appropriate, shall distribute its allocation of the money appropriated for retirement adjustment to its members entitled to adjustment payments. The governing board of each system set forth in subsection (2) shall provide an annual adjustment payment that is a percentage of annual benefits.

(b) The methodology that the public employees' retirement board and the teachers' retirement board use to calculate adjustments for systems administered by them must be adopted by rule pursuant to Title 2, chapter 4.

(c) For the purposes of this section, a "Montana resident" means a person domiciled in the state and any person who maintains a permanent place of abode within the state.""

Renumber: subsequent section

4. Page 3, line 1.
Strike: "date"
Insert: "dates"

5. Page 3, line 2.
Following: "applicability."
Strike: "[This act] is"
Insert: "(1) [Section 1 and this section] are"

6. Page 3, line 3.
Strike: "and"
Insert: ". [Section 1]"

7. Page 3.
Following: line 4
Insert: "(2) [Sections 2 and 3] are effective July 1, 1992."

And, as amended, do pass. Report adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blaylock in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 1 - Senator Towe moved that SB 1 be amended as follows:

1. Title, line 8.
Following: "ACT;"
Insert: "REVISING CERTAIN REPORTING AND CERTIFICATION DATES;"

2. Page 3, line 22.

Strike: "April 1"
Insert: "February 15"

3. Page 4, line 1.
Strike: "Not later than February 15 of each year, the"
Insert: "The"

Amendment adopted unanimously.

Senator Harp moved that SB 1 as amended do pass. Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Blaylock, Brown, Bruski-Maus, Christiaens, Crippen, Devlin, Doherty, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Jergeson, Keating, Koehnke, Nathe, Noble, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Waterman, Williams, Yellowtail, Mr. President.
Total 36

Nays: Bianchi, Burnett, Eck, Franklin, Fritz, Hockett, Jacobson, Kennedy, Lynch, Vaughn.
Total 10

Absent or not voting: None.
Total 0

Excused: Beck, Farrell, Pinsoneault, Weeding.
Total 4

SB 2 - Senator Mazurek moved that SB 2 do pass. Motion carried unanimously.

HB 1 - Senator Jacobson moved that HB 1 be concurred in. Motion carried with Burnett voting nay.

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed, Mr. President in the chair. Chairman Blaylock moved the adoption of the Committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Blaylock, Brown, Bruski, Christiaens, Crippen, Devlin, Doherty, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Keating, Koehnke, Nathe, Noble, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Waterman, Williams, Yellowtail, Mr. President.
Total 35

Nays: Bianchi, Burnett, Eck, Franklin, Fritz, Hockett, Jacobson, Jergeson, Kennedy, Lynch, Vaughn.
Total 11

Absent or not voting: None.
Total 0

Excused: Beck, Farrell, Pinsoneault, Weeding.
Total 4

SB 2 passed by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Williams, Yellowtail, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Farrell, Pinsoneault, Weeding.
Total 4

HB 1 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski, Christiaens, Crippen, Devlin, Doherty, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pipinich, Rea, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Williams, Yellowtail, Mr. President.
Total 44

Nays: Burnett, Rye.
Total 2

Absent or not voting: None.
Total 0

Excused: Beck, Farrell, Pinsoneault, Weeding.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 1:30 p.m., Thursday, January 9, 1992. Motion carried.

Senate adjourned at 1:59 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

FOURTH LEGISLATIVE DAY

Helena, Montana
January 9, 1992

Senate Chambers
State Capitol

Senate convened at 1:30 p.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present except Beck and Farrell excused. Quorum present.

COMMUNICATIONS AND PETITIONS

January 8, 1992

The Honorable Stan Stephens
Governor
State of Montana
Helena, MT 59620

The Honorable Joe Mazurek
President of the Senate
Montana Senate
Helena, MT 59620

The Honorable Hal Harper
Speaker of the House
Montana House of Representatives
Helena, MT 59620

Dear Governor Stephens, Senator Mazurek and Representative Harper:

A majority of legislators have petitioned for a special session of the Legislature to consider legislation to consider a statutory referendum to authorize financing of local government infrastructure projects by using coal severance tax funds.

The petition calls for the special session to run concurrently with the special session beginning January 6, 1992, called by the Governor.

In accordance with section 5-3-101, MCA, the petition has been filed, the signatures on the petition have been checked and the petition has been certified as meeting the requirements to call a special session.

A certified copy of the petition is attached. Please feel free to contact me if you have any questions about this process.

Sincerely,

Mike Cooney
Secretary of State

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Pipinich, Chairman) 1/09/92
Signed by the President at 4:30 p.m., January 9, 1992: HB 1

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 1:34 p.m.

Senate reconvened at 2:06 p.m. President Mazurek presiding.

Roll call. 47 members present, Beck and Farrell excused.

Senator Lynch present at 2:07 p.m.

Senator Blaylock moved that the 52nd Legislature, pursuant to Article V, section 6 of the Montana Constitution, and section 5-3-101, MCA, hereby convene the 52nd Legislature into special session to run concurrently with the special session called by the Governor to allow the consideration of legislation for school districts to issue bonds.

Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Farrell.
Total 2

ANNOUNCEMENTS

Secretary Dave Hunter announced the following:

At 3:15 p.m. today, US WEST will be making an announcement of interest to Montana's economy from the Entrepreneurship Center at the University of Montana. You're invited to participate in that announcement via interactive video in the Governor's Reception Room. A reception will follow. Demonstrations of interactive video between the Capitol and the University campus will be available for those interested in that technology.

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 1:30 p.m., Friday, January 10, 1992. Motion carried.

Senate adjourned at 2:26 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

Senator Blaylock moved that the 52nd Legislature [illegible] section 8 of the Montana Constitution, and section 5-[illegible]-01, [illegible] convene the 52nd Legislature into special session to run concurrent [illegible] the special session called by the Governor to allow the [illegible] for school districts to issue bonds.

Motion carried as follows:

Yes: Aklestad, Anderson, Bengtson, Blaylock, [illegible] Brown, Burnett, Christiansen, Crippen, Devlin, Dolezal, [illegible] Gage, Goodland, Hager, Halligan, Hammond, [illegible] Jergeson, Keating, Kennedy, Lockrem, Lynch, [illegible] Pipinich, Rea, Rye, Schwartz, Sorochil, Smith, [illegible] Van Valkenburg, Vaughn, Watkins, Weeding, Williams, President.
Total 46

No: [illegible]
Total [illegible]

Absent or not voting: None.

Excused: Beck, Farrell.
Total 2

FIFTH LEGISLATIVE DAY

Helena, Montana
January 10, 1992

Senate Chambers
State Capitol

Senate convened at 1:30 p.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the flag.

Roll call. All members present except Beck, Weeding, and Tveit excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the first, second, and third legislative days, find the same to be correct.

Senator Pipinich, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Pipinich, Chairman) 1/10/92
Correctly enrolled: SB 2
Signed by the President at 11:50 a.m., January 10, 1992: SB 2

MESSAGES FROM THE OTHER HOUSE

January 9, 1992

The Honorable Joe Mazurek
President of the Senate
State Capitol
Helena, MT 59620

Dear Senator Mazurek:

I am directed by the House to inform the Senate that the House adopted a motion that the 52nd Legislature, pursuant to Article V, section 6, of the Montana Constitution, and Section 5-3-101, MCA, hereby convene the 52nd Legislature into special session to run concurrently with the special session called by the Governor to allow the consideration of legislation for school districts to issue bonds.

The motion requires an adoption by an affirmative roll call vote of 76 members of the Montana State Legislature.

The House vote was as follows:

YEAS - 93
NAYS - 3

Sincerely,

JOYCE ANDRUS
Chief Clerk

Senate bills concurred in and returned to the Senate:

SB 2, introduced by Senator Mazurek

House bills passed and transmitted to the Senate for concurrence:

HB 2, introduced by Representative Thoft
HB 3, introduced by Representative Thoft
HB 4, introduced by Representative Thoft
HB 5, introduced by Representative Thoft
HB 7, introduced by Representative Thoft

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 1:36 p.m.

Senate reconvened at 2:15 p.m., President Mazurek presiding.

Majority Leader Van Valkenburg reported that the Joint Rules Committee approved the draft and introduction of Senator Aklestad's bill, and adopted a motion authorizing payment to the Senate Finance and Claims Committee for Saturday, January 11, 1992, to consider HB 2.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

HB 2, introduced by Representative Thoft, referred to the Committee on Finance and Claims
HB 3, introduced by Representative Thoft, referred to the Committee on Finance and Claims
HB 4, introduced by Representative Thoft, referred to the Committee on Finance and Claims
HB 5, introduced by Representative Thoft, referred to the Committee on Finance and Claims
HB 7, introduced by Representative Thoft, referred to the Committee on Finance and Claims

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 10:00 a.m., Monday, January 13, 1992. Motion carried.

Senate adjourned at 2:21 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

SIXTH LEGISLATIVE DAY

Helena, Montana
January 13, 1992

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present, except Beck, Farrell, and Stimatz, excused, and Senator Lynch, absent. Quorum present.

Senator Farrell present at 10:02 a.m.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the fourth and fifth legislative days, find the same to be correct.

Pipinich, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Pipinich, Chairman) 1/13/92
Delivered to the Governor at 3:10 p.m., January 10, 1992: SB 2

FINANCE AND CLAIMS (Jacobson, Chairman) 1/13/92
HB 2, third reading copy, be amended as follows:

1. Page BP-4, line 15.
Strike: "$1,700,000"
Insert: "$1,600,000"

2. Page BP-4, following line 19.
Insert: "Section 15. Montana university system personal services transfer and vacancy. The Montana university system, with the exception of the office of the commissioner of higher education, is excluded from the personal services transfer provisions in [section 2] and the vacant position provisions in [section 7]."
Renumber: subsequent sections

3. Page A-8, line 4.

Strike:	"50,277"	"141,604"
Insert:	"39,629"	"123,710"

4. Page A-9, following line 13.
Insert: "c. Special Session (Line Item)
8,111" (FY92 General fund)

5. Page A-17, line 8.

Strike:	"769,234"	"388,218"	"731,192"	"419,973"
Insert:	"845,681"	"311,771"	"938,193"	"212,972"

6. Page A-17, line 23.

Strike:	"229,338"	"0"
Insert:	"305,785"	"207,001"

7. Page C-16.
Strike: lines 23 and 24 in their entirety

8. Page C-18, following line 10.
Insert: "The department may not reduce general fund appropriations for the statewide resource conservation and development coordinator or the statewide resource conservation and development operating expenses as shown in items 3a and 3b."

9. Page C-22, line 24.
Strike: "1,096,279"
Insert: "1,196,279"

10. Page C-26.
Strike: lines 7 and 8 in their entirety.

11. Page C-26.
Following: line 8.
Insert: "24. Budget Reduction" "16,333" "54,667"

12. Page C-27.
Strike: lines 11 and 12 in their entirety.

13. Page D-1, line 24.
Strike: "832,020"
Insert: "895,977"

14. Page D-2, line 9.
Strike: "258,621"
Insert: "194,664"

15. Page D-3, line 7.
Strike: "462,516" "465,061"
Insert: "478,737" "481,242"

16. Page D-4, following line 21.
Insert: "In item 1, $16,221 in fiscal 1992 and $16,181 in fiscal 1993 are to offset vacancy savings that will revert to the general fund if not needed to pay personnel costs during the biennium. The agency has the authority to move these funds between programs by transfer to meet the expenses experienced."

17. Page D-5, line 4.
Strike: "1,506,197" "1,516,923"
Insert: "1,520,604" "1,546,713"

18. Page E-1, line 13.
Strike: "."
Insert: "with the following restriction: tuitions may not be budget amended either directly or indirectly to increase the budget of the office of the commissioner of higher education."

19. Page E-1, lines 15 and 16.
Strike: lines 15 and 16 in their entirety

20. Page E-5, following line 12.
Insert: "The superintendent of public instruction may use any unexpended general fund appropriation in distributions to schools, program 09, to restore the appropriations for special education contingency, gifted and talented, secondary vocational education, and out-of-district placements up to but not exceeding the amount authorized by Chapter 815 and Chapter 765, Laws of 1991. Any unexpended appropriation balances in fiscal 1992 in items 2a through 2h may be carried in and expended in fiscal 1993."

21. Page E-6, line 5.
Strike: "61,415"
Insert: "81,545"

22. Page E-6, line 23.
Strike: "61,452"
Insert: "87,478"

23. Page E-7, line 16.
Strike: "83,733"
Insert: "110,576"

24. Page E-8, line 9.
Strike: "81,814"
Insert: "115,834"

25. Page E-9, line 2.
Strike: "80,476"
Insert: "114,410"

26. Page E-9, line 15.
Strike: "must result in a general fund reversion of a like amount"
Insert: "must be added by budget amendment by the board of regents in a manner so as to offset reductions in vocational-technical center appropriations in [this act] from the levels contained in The General Appropriations Act of 1991 and acts supplementary thereto"

27. Page E-12, line 16.
Strike: "307,913"
Insert: "143,861"

28. Page E-12, line 21.
Strike: "6,548,369"
Insert: "5,178,760"

29. Page E-13, line 15.
Following: "SYSTEM"
Insert: "with the following restriction: all tuition revenue must be distributed to agencies other than the office of the commissioner of higher education"

30. Page E-13, line 16.

Following: "WHICH"
Strike: remainder of line 16 and line 17 in its entirety
Insert: "is the equivalent of the difference between charges at Montana state university and the university of Montana and the average of their peer institutions."

31. Page E-14, line 18.
Strike: "2,852,474"
Insert: "2,672,011"

32. Page E-16, line 12.
Strike: "2,926,162"
Insert: "2,870,909"

33. Page E-17, line 20.
Strike: "501,334"
Insert: "510,299"

34. Page E-19, line 7.
Strike: "809,386"
Insert: "855,491"

35. Page E-20, line 15.
Strike: "363,630"
Insert: "387,812"

36. Page E-21, line 20.
Strike: "234,363"
Insert: "250,655"

37. Page E-22, lines 9 and 10.
Strike: "must cause a general fund reversion of a like amount"
Insert: "must be added by budget amendment by the board of regents in a manner so as to offset reductions in the university system appropriations in [this act] from the levels contained in The General Appropriations Act of 1991 and acts supplementary thereto"

38. Page E-22, lines 17 through 25.
Strike: in their entirety

39. Page E-23, lines 1 and 2.
Strike: in their entirety

40. Page E-23, line 12.
Strike: "117,419"
Insert: "214,819"

41. Page E-24, line 1.
Strike: "44,746"
Insert: "82,408"

42. Page E-24, line 15.

Strike: "11,068"
Insert: "36,536"

43. Page E-25, line 4.
Strike: "20,054"
Insert: "20,172"

44. Page E-26, line 24.
Strike: "3,818"
Insert: "6,442"

And as amended, be concurred in. Report adopted.

HB 3, be concurred in. Report adopted.
HB 4, be concurred in. Report adopted.
HB 5, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 6, introduced by Representative Thoft
HB 9, introduced by Representative Thoft
HB 10, introduced by Representative Thoft
HB 12, introduced by Representative Connelly
HB 13, introduced by Representative Connelly
HB 17, introduced by Representative D. Brown
HB 18, introduced by Representative Wanzenried

MOTIONS

Majority Leader Van Valkenburg moved that the Senate temporarily suspend the rules to allow Legislative Fiscal Analyst and Office of Budget and Program Planning staff to be on the Senate floor during consideration of HB 2.

Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Svrcek, Swift, Thayer, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: Lynch, Towe.
Total 2

Excused: Beck, Stimatz.
Total 2

Majority Leader Van Valkenburg moved the Senate recess until 11:00 a.m. Motion carried.

Senate recessed at 10:08 a.m.

Senate reconvened at 11:45 a.m. President Mazurek presiding. Senator Lynch present. Senator Beck excused.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

SB 4, introduced by Senator Aklestad, referred to the Committee on Finance and Claims
SB 5, introduced by Senators Blaylock, B. Brown, Nathe, and Representatives Connelly, Darko, L. Nelson and Schye, referred to the Committee on Education
HB 6, introduced by Representative Thoft (by the request of the Office of Budget and Program Planning), referred to the Committee on Finance and Claims
HB 9, introduced by Representative Thoft (by the request of the Office of Budget and Program Planning), referred to the Committee on Finance and Claims
HB 10, introduced by Representative Thoft (by the request of the Office of Budget and Program Planning), referred to the Committee on Finance and Claims
HB 12, introduced by Representatives Connelly, Thoft, Bardanouve, and Hockett (by the request of the Long-Range Planning Subcommittee), referred to the Committee on Finance and Claims
HB 13, introduced by Representatives Connelly, Thoft, Bardanouve, Hockett, and Senators Harding and Lynch (by the request of the Long-Range Planning Subcommittee), referred to the Committee on Finance and Claims
HB 17, introduced by Representative D. Brown, referred to the Committee on Finance and Claims
HB 18, introduced by Representatives Wanzenried and Bardanouve, referred to the Committee on Finance and Claims

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jacobson, Chairman) 01/13/92

ADVERSE COMMITTEE REPORT

HB 7 - Senator Jacobson moved the adverse committee report on HB 7 be adopted. Motion carried unanimously.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator Jacobson moved that HB 2 be concurred in. Senator Jacobson introduced the bill and explained the procedure to be followed for the presentation of HB 2.

SECTION A. GENERAL GOVERNMENT AND HIGHWAYS

Senator Fritz explained Section A of HB 2.

1. Senator Tveit moved that Section A of HB 2 be amended as follows:

1. Page BP-3, line 23.
Following: "1992."
Strike: "THE GOVERNOR IS"
Strike: line 24 in its entirety.

2. Page A-9, line 5.
Strike: "463,655" "126,271"
Insert: "304,575" "146,196"

3. Page A-10.
Strike: lines 15 and 16 in their entirety.

This amendment restores the Governor's King-Air airplane. Net addition to the general fund in the 1993 biennium would be $435,845.

Amendment failed as follows:

Yeas: Aklestad, Anderson, Brown, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Nathe, Noble, Rye, Thayer, Tveit.
Total 19

Nays: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Svrcek, Swift, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Beck, Stimatz.

Total 2

2. Senator Vaughn moved that Section A of HB 2 be amended as follows:

1. Page A-10, line 3.
Strike: "133,290" "132,930"
Insert: "140,286" "141,554"

2. Page D-8, line 4.
Strike: "29,467,513" "29,928,062"
Insert: "29,460,517" "29,919,438"

This amendment increases the vacancy savings in the Department of Corrections and Institutions Mental Health Division budget and transfers $6,996 in fiscal 1992 and $8,624 in fiscal 1993 to the Board of Visitors.

Amendment adopted with Swift and Aklestad voting nay.

Senator Svrcek moved that amendment #3, Section A of HB 2, be placed at the bottom of the board. Motion carried unanimously.

4. Senator Waterman moved that Section A of HB 2 be amended as follows:

1. Page A-7, line 24.
Strike: "2,806,573"
Insert: "3,056,573"

LFA will amend totals

This amendment increases the district court criminal reimbursement program general fund appropriation by $250,000 in fiscal 1993. The program is funded by 7% of the 2% vehicle assessment levied by counties. County treasurers collect the fees which are remitted to the state treasurer and deposited in the general fund. The program then reimburses counties for allowable district court criminal costs. Language in House Bill 2 limits reimbursements to the amount of fees remitted by counties.

Senator Farrell asked for a ruling from the Chair on whether Senator Waterman's amendment #4 is part of the call of the special session. Majority Leader Van Valkenburg, also Chairman of the Rules Committee, replied that he had a copy of the call in which item #2 states the purpose of the call is to amend HB 2, Chapter 18, and to consider reductions in other appropriations to balance the budget. Senator Halligan, Chair for the day, ruled that amendment #4 is within the call.

Amendment failed as follows:

Yeas: Bengtson, Bianchi, Blaylock, Christiaens, Doherty, Eck, Franklin, Grosfield, Hager, Halligan, Jacobson, Jergeson, Lynch, Pinsoneault, Pipinich, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Nays: Aklestad, Anderson, Brown, Bruski-Maus, Burnett, Crippen, Devlin, Farrell, Fritz, Gage, Hammond, Harding, Harp, Hockett, Keating, Kennedy, Koehnke, Nathe, Noble, Rea, Rye, Swift, Thayer, Tveit.
Total 24

Absent or not voting: None.
Total 0

Excused: Beck, Stimatz.
Total 2

5. Senator Lynch moved that Section A of HB 2 be amended as follows:

1. Page A-20, line 2.
Strike: line 2 in its entirety
Insert: "170,347" "170,347" "516,164" "516,164"

Amendment adopted as follows:

Yeas: Aklestad, Bianchi, Burnett, Devlin, Doherty, Farrell, Franklin, Fritz, Hager, Halligan, Hammond, Harp, Jacobson, Jergeson, Kennedy, Lynch, Nathe, Noble, Rea, Svrcek, Swift, Thayer, Towe, Vaughn.
Total 24

Nays: Anderson, Bengtson, Brown, Bruski-Maus, Christiaens, Crippen, Eck, Gage, Grosfield, Harding, Hockett, Keating, Koehnke, Pinsoneault, Pipinich, Rye, Tveit, Van Valkenburg, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Absent or not voting: Blaylock.
Total 1

Excused: Beck, Stimatz.
Total 2

6. Senator Bruski-Maus moved that Section A of HB 2 be amended as follows:

1. Page A-33, line 17.
Strike: "51,834" "97,932"
Insert: "11,055" "10,019"

LFA will amend totals

This amendment reverses the action on the House Floor that increased the reduction in the Department of Military Affairs to 5% each year.

Amendment adopted as follows:

Yeas: Anderson, Bengtson, Brown, Bruski-Maus, Christiaens, Crippen, Devlin, Doherty, Franklin, Fritz, Hager, Halligan, Hammond, Harding,

Jacobson, Jergeson, Keating, Kennedy, Noble, Pinsoneault, Pipinich, Rea, Swift, Thayer, Towe, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 30

Nays: Aklestad, Bianchi, Blaylock, Burnett, Eck, Farrell, Gage, Grosfield, Harp, Hockett, Koehnke, Nathe, Rye, Svrcek, Van Valkenburg, Waterman, Yellowtail.
Total 17

Absent or not voting: Lynch.
Total 1

Excused: Beck, Stimatz.
Total 2

7. Senator Halligan moved that Section A of HB 2 be amended as follows:

1. Page A-25, line 1.
Following: page A-24
Insert: "An agent operating a state agency liquor store has the preference right to renew the agent's agency agreement by accepting the terms of the request for bids as those terms existed before January 1, 1991 and by meeting the highest bid made by any other applicant."

Amendment adopted unanimously.

3. Senator Svrcek moved that Section A of HB 2 be amended as follows:

1. Page A-6, line 15.
Strike: "56,203"
Insert: "32,237"

2. Page A-7, line 6.
Strike: "289,212"
Insert: "166,042"

3. Page A-7, line 10.
Strike: "4,166"
Insert: "745"

4. Page A-7, line 17.
Strike: "8,004"
Insert: "4,583"

LFA will amend totals.

This amendment eliminates funds for half of the $8,000 annual salary increase for each supreme court, district court, and water court judge authorized by Senate Bill 228 last session. The per judge salary increase of $8,000 is instituted in $2,000 increments every six months for July 1, 1991 to January 1, 1993. This amendment eliminates the last two increments. Sections 2-16-404 and 3-5-211, MCA, must be amended to forestall

implementation of the last half of the salary increase. This amendment reduces the total fiscal 1993 appropriation by $153,978.

Senator Svrcek withdrew his amendment.

8. Senator Brown moved to strike Senator Lynch's amendment #5 in Section A of HB 2 as follows:

1. Strike Amendment #5 dated January 13, 1992, 11:50 a.m. by Senator Lynch in its entirety.

Motion carried as follows:

Yeas: Anderson, Bengtson, Blaylock, Brown, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Hockett, Keating, Koehnke, Pinsoneault, Rye, Thayer, Tveit, Van Valkenburg, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Nays: Aklestad, Bianchi, Bruski-Maus, Burnett, Franklin, Fritz, Harp, Jacobson, Jergeson, Kennedy, Lynch, Nathe, Noble, Pipinich, Rea, Svrcek, Swift, Towe, Vaughn.
Total 19

Absent or not voting: None.
Total 0

Excused: Beck, Stimatz.
Total 2

Senator Jacobson moved that Section A of HB 2 be closed. Motion carried unanimously.

SECTION B. HUMAN SERVICES

Senator Waterman explained Section B of HB 2.

9. Senator Eck moved that Section B of HB 2 be amended as follows:

1. Page B-18, line 23.
Strike: "1,591,661"
Insert: "1,640,776"

2. Page B-19, line 10.
Strike: "19,594,866"
Insert: "19,769,139"

This amendment eliminates the additional vacancy savings imposed on the Department of Family Services.

Amendment failed as follows:

Yeas: Bianchi, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Halligan, Lynch, Pinsoneault, Pipinich, Towe, Vaughn, Waterman, Weeding, Mr. President.
Total 15

Nays: Aklestad, Anderson, Bengtson, Blaylock, Brown, Burnett, Crippen, Devlin, Farrell, Fritz, Gage, Grosfield, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Nathe, Noble, Rea, Rye, Svrcek, Swift, Thayer, Tveit, Van Valkenburg, Williams, Yellowtail.
Total 32

Absent or not voting: Hager.
Total 1

Excused: Beck, Stimatz.
Total 2

Senator Jacobson moved that Section B of HB 2 be closed. Motion carried unanimously.

MOTIONS

Senator Doherty moved that his vote on Senator Eck's amendment #9 be changed from nay to yea. Motion carried.

Majority Leader Van Valkenburg moved that the Senate recess until 2:30 p.m. this date. Motion carried.

Senate recessed at 1:33 p.m.

Senate reconvened at 2:32 p.m. President Mazurek presiding.

Roll call. All members present except Beck excused.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SECTION C. NATURAL RESOURCES

Senator Bengtson explained Section C of HB 2.

10. Senator Bianchi moved that Section C of HB 2 be amended as follows:

1. Page C-9, line 9.

Strike: "300,000" (General Fund, FY 1992)
Insert: "100,000" (General Fund, FY 1992)
"125,000" (State Special Revenue, FY 1992)

2. Page C-12, line 3.
Strike: lines 3 through 5 in their entirety.
Insert: "Contingent upon passage of House Bill 3, the $100,000 general fund appropriation in item 1b is to be used for startup costs ($50,000) of the recreational access program mandated in Chapter 609, Laws of 1991, and $50,000 for an economic study of the surface uses of state lands, with emphasis on recreational use. The study must be performed by an economist with experience in analysis of the economic value of recreation. The $125,000 state special revenue is to be used to fund the economic study."

LFA will amend totals.

Amendment failed as follows:

Yeas: Bianchi, Blaylock, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Jacobson, Jergeson, Kennedy, Lynch, Pinsoneault, Pipinich, Stimatz, Svrcek, Van Valkenburg, Vaughn, Weeding, Williams.
Total 21

Nays: Aklestad, Anderson, Bengtson, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Hockett, Keating, Koehnke, Nathe, Noble, Rea, Rye, Swift, Thayer, Towe, Tveit, Waterman, Yellowtail, Mr. President.
Total 27

Absent or not voting: Brown.
Total 1

Excused: Beck.
Total 1

11. Senator Burnett moved that Section C of HB 2 be amended as follows:

1. Page C-13, line 24.
Strike: lines 24 and 25 in their entirety.

LFA will amend totals.

Amendment failed as follows:

Yeas: Aklestad, Burnett, Farrell, Fritz, Gage, Thayer.
Total 6

Nays: Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Christiaens, Devlin, Doherty, Eck, Franklin, Grosfield, Hager, Halligan, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Towe, Tveit,

Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Absent or not voting: Anderson, Crippen, Hammond.
Total 3

Excused: Beck.
Total 1

12. Senator Weeding moved that Section C of HB 2 be amended as follows:

1. Page C-23, line 4.
Strike: "1,196,279"
Insert: "1,296,279"

LFA will amend totals.

Adds additional $100,000 of local impact funds to Coal Board appropriation.

2. Page BP-4, line 15.
Strike: "$1,600,000"
Insert: "$1,500,000"

Directs Coal Board to retain $1.5 million in local impact account in FY93 for reversion to school equalization account.

Amendment adopted as follows:

Yeas: Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Christiaens, Crippen, Devlin, Doherty, Eck, Franklin, Halligan, Hockett, Jergeson, Kennedy, Koehnke, Lynch, Nathe, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Towe, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Nays: Aklestad, Burnett, Farrell, Fritz, Gage, Grosfield, Hammond, Harding, Harp, Jacobson, Keating, Noble, Svrcek, Swift, Thayer, Tveit, Van Valkenburg.
Total 17

Absent or not voting: Hager.
Total 1

Excused: Beck.
Total 1

13. Senator Hockett moved to amend Section C of HB 2 as follows:

1. Page C-26, line 15.
Strike: "BUDGET REDUCTION"

2. Page C-26, line 16.
Strike: "16,333" "54,667"

LFA will amend totals.

Removes the Department of Commerce budget reduction.

Amendment failed as follows:

Yeas: Anderson, Bengtson, Brown, Bruski-Maus, Burnett, Crippen, Devlin, Farrell, Halligan, Harding, Hockett, Keating, Kennedy, Lynch, Pipinich, Svrcek, Thayer, Tveit, Waterman, Williams, Yellowtail.
Total 21

Nays: Aklestad, Bianchi, Blaylock, Christiaens, Doherty, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Hammond, Harp, Jacobson, Jergeson, Koehnke, Nathe, Pinsoneault, Rea, Rye, Stimatz, Swift, Towe, Van Valkenburg, Vaughn, Weeding, Mr. President.
Total 27

Absent or not voting: Noble.
Total 1

Excused: Beck.
Total 1

Senator Jacobson moved that Section C of HB 2 be closed. Motion carried unanimously.

SECTION D. INSTITUTIONS AND CULTURAL EDUCATION

Senator Vaughn explained Section D of HB 2.

14. Senator Harding moved to amend Section D of HB 2 as follows:

1. Page D-1, line 20 following line 19.
Insert: "In item 1, state special revenue of $103,865 in fiscal 1993 is contingent on passage and approval of House Bill No. 13. If House Bill No. 13 is not passed and approved, $103,865 must be appropriated from the general fund in fiscal 1993."

Senator Harding withdrew her motion to amend Section D of HB 2.

15. Senator Aklestad moved to amend Section D of HB 2 as follows:

1. Page D-8, line 4.
Strike: "29,467,513" "29,928,062"
Insert: "29,195,013" "28,838,062"

This amendment reduces the mental health division budget by $272,500 in fiscal 1992 and $1,090,000 in fiscal 1993 to implement the executive's proposed changes at Galen. This amendment also eliminates the additional funds approved by the subcommittee for additional FTE at Warm Springs

to implement the Ihler ruling compliance proposal. Those funds have been included in the executive proposal to downsize Galen.

Amendment failed as follows:

Yeas: Aklestad, Bengtson, Brown, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Noble, Pinsoneault, Rye, Swift, Thayer, Tveit, Weeding.
Total 21

Nays: Anderson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Nathe, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Williams, Yellowtail, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

Senator Bianchi withdrew his amendment to Section D of HB 2.

16. Senator Christiaens moved that Section D of HB 2 be amended as follows:

1. Page D-8.
Following line 1:
Insert: "u. Jail payments -- Parole Violators (Line Item)"
"66,120" "66,120" "66,120" "66,120"

Amendment adopted as follows:

Yeas: Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Hager, Halligan, Hockett, Jergeson, Kennedy, Lynch, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Vaughn, Waterman, Weeding, Williams, Yellowtail.
Total 28

Nays: Aklestad, Blaylock, Burnett, Crippen, Devlin, Farrell, Fritz, Gage, Grosfield, Hammond, Harding, Harp, Koehnke, Nathe, Noble, Swift, Tveit, Van Valkenburg, Mr. President.
Total 19

Absent or not voting: Jacobson, Keating.
Total 2

Excused: Beck.
Total 1

Senator Jergeson moved that Section D of HB 2 be closed. Motion carried unanimously.

SECTION E. EDUCATION

Senator Jergeson explained Section E of HB 2.

17. Senator Hammond moved that Section E of HB 2 be amended as follows:

1. Page E-23, line 19.
Following: "~~amount~~"
Strike: remainder of line 19 and line 20 in its entirety
Insert: "must cause a general fund reversion of a like amount."

Amendment failed as follows:

Yeas: Aklestad, Anderson, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Koehnke, Nathe, Noble, Rea, Rye, Swift, Thayer, Tveit.
Total 21

Nays: Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Lynch, Pinsoneault, Pipinich, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

Senator Jacobson moved that Section E of HB 2 be closed. Motion carried unanimously.

LONG-RANGE BUILDING

Senator Hockett explained Long-Range Building, a portion of Section OA of HB 2.

Senator Jacobson moved that Long-Range Building, a portion of Section OA of HB 2 be closed. Motion carried unanimously.

BOILER-PLATE INTRODUCTION SECTION

Senator Jacobson explained the Boiler-Plate Introduction Section of HB 2.

18. Senator Devlin moved to amend HB 2 as follows:

1. Page BP-4, following line 19.
Strike: lines 20 and 21 in their entirety.
Renumber: subsequent sections

Amendment failed as follows:

Yeas: Aklestad, Anderson, Brown, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Hockett, Nathe, Noble, Swift, Thayer, Tveit.
Total 19

Nays: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 2 Senator Jacobson moved that HB 2, as amended, be concurred in. Motion carried as follows:

Yeas: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Mr. President.
Total 27

Nays: Aklestad, Anderson, Brown, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Nathe, Noble, Pinsoneault, Rye, Swift, Thayer, Tveit, Yellowtail.
Total 22

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Mazurek presiding. Chairman Halligan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2, concurred in by the following vote:

Yeas: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Mr. President.
Total 28

Nays: Aklestad, Anderson, Brown, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Nathe, Noble, Rye, Swift, Thayer, Tveit, Yellowtail.
Total 21

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 8:00 a.m., Tuesday, January 14, 1992. Motion carried.

Senate adjourned at 5:24 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

SEVENTH LEGISLATIVE DAY

Helena, Montana
January 14, 1992

Senate Chambers
State Capitol

Senate convened at 8:00 a.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present except Senator Rea. Senators Beck and Svrcek, excused. Quorum present.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 11, introduced by Representative Bardanouve
HB 14, introduced by Representative Gilbert
HB 19, introduced by Representative Harper
HB 21, introduced by Representative Bardanouve
HJR 1, introduced by Representative Gilbert

MOTIONS

SB 5 - Senator Blaylock moved that Representatives Madison and Dowell, and Senators Grosfield and Harp be added as sponsors to SB 5. Motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

HB 11, introduced by Bardanouve and Svrcek, referred to Committee on Finance and Claims
HB 14, introduced by Gilbert, B. Brown, Harrington, Towe, Ream, Hager, Van Valkenburg, Crippen, M. Hanson, Foster, Eck, and Schye (by the request of the Revenue Oversight Committee), referred to Committee on Taxation
HB 19, introduced by Harper, Mazurek, Towe, Jacobson, Raney, Svrcek, Cohen, Van Valkenburg, D. Brown, Driscoll, McCulloch, O'Keefe, Becker, Harrington, Stang, S. Rice, J. Brown, Cocchiarella, Wanzenried, Kimberley, Schye, Quilici, G. Beck, Cromley, Dowell, Forrester, L. Nelson, Nisbet, Elliott, Scott, Stickney, Russell, Daily, Pavlovich, Squires, Toole, Larson, Davis, Brooke, Bachini, Galvin, Wyatt, Ream, Connelly, J. DeBruycker, Blaylock, Southworth, Madison, Bradley, J. Johnson, Dolezal, Strizich, Doherty, Darko, referred to Committee on Taxation
HB 21, introduced by Bardanouve, referred to Committee on Finance and Claims
HJR 1, introduced by Gilbert, Ream, Harrington, Foster, Eck, B. Brown, Schye, Hanson, Van Valkenburg, Hager, Crippen, Towe, (by request of the Revenue Oversight Committee), referred to Committee on Taxation

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess until 1:30 p.m. Motion carried.

Senate recessed at 8:07 a.m.

Senate reconvened at 1:30 p.m. President Mazurek presiding.

Roll call. All members present except Beck, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Pipinich, Chairman) 1/14/92
Correctly printed and placed on members' desks: SB 5

EDUCATION AND CULTURAL RESOURCES (Blaylock, Chairman) 1/14/92

SB 5, introduced bill, be amended as follows:

1. Title, line 12.
Following: "DISTRICTS;"
Insert: "REQUIRING A THREE-FOURTHS VOTE OF EACH HOUSE OF THE LEGISLATURE FOR APPROVAL;"
Following: "17-5-704,"
Strike: "17-5-1608,"

2. Page 2, line 10.
Following: "Plentywood"
Strike: ", whose school was"
Insert: "and West Glacier, whose schools were"

3. Page 3, lines 2 and 3.
Following: "The"
Strike: "board of investments"
Insert: "department of administration"

4. Page 5, line 2.
Following: "district"
Strike: "for"
Insert: "equal to"

5. Page 6, line 5.
Following: line 4
Strike: "state loans"
Insert: "the state"

6. Page 6, line 17.
Following: "loan."
Insert: "Repayment must begin no later than January 1, 1994, and the loan must be repaid in full within 10 years from the date the first loan is issued to a school district."

7. Page 6, line 19.
Following: "revenue"
Insert: "and assets"

8. Page 6, line 21.
Following: "district."
Insert: "The obligation of the school district to pay bondholders is senior to its obligation to repay the state loan."

9. Page 9, line 8.
Following: "[a]"
Strike: "Beginning July 1, 1992,"
Insert: "On [the effective date of this act]"

10. Page 10, line 7.
Following: "July 1,"
Strike: "1998"
Insert: "1997"

11. Pages 10 and 11.
Following: line 23 on page 10
Strike: section 5 in its entirety
Renumber: subsequent sections

12. Page 11.
Following: line 25
Insert: "NEW SECTION. Section 7. Requirement for three-fourths vote. Because [this act] appropriates money from the permanent coal severance tax fund, a vote of three-fourths of each house of the legislature is required for approval of [this act]."

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Jacobson, Chairman) 1/14/92
SB 4, do pass. Reported adopted.
HB 6, be concurred in. Report adopted.
HB 9, be concurred in. Report adopted.
HB 10, be concurred in. Report adopted.
HB 12, be concurred in. Report adopted.
HB 13, be concurred in. Report adopted.
HB 17, third reading copy, be amended as follows:

1. Title, line 5.
Following: "Remaining"
Strike: "Cash"
Insert: "Fund"

2. Page 2, line 22.
Following: "Remaining"
Strike: "Cash"
Insert: "Fund"

And, as amended, be concurred in. Report adopted.

HB 18, be concurred in. Report adopted.

TAXATION (Halligan, Chairman) 1/13/92

ADVERSE COMMITTEE REPORT

SB 3 - Senator Halligan moved that the adverse committee report on SB 3 be adopted. Motion carried as follows:

Yeas: Aklestad, Bengtson, Bianchi, Blaylock, Bruski-Maus, Burnett, Christiaens, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Halligan, Harp, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Nays: Anderson, Brown, Crippen, Grosfield, Hager, Hammond, Harding, Keating, Thayer, Tveit.
Total 10

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

MESSAGES FROM THE OTHER HOUSE

HB 2 - The House, on January 14, 1992, failed to concur in Senate amendments to HB 2, authorized the Speaker to appoint a Conference Committee, and requested the Senate to appoint a like committee to confer on Senate amendments to HB 2. The Speaker appointed the following members:

Representative Peck, Chairman
Representative Kadas
Representative Thoft

MOTIONS

Senator Jacobson moved to take HB 3 off second reading this day, and be rereferred to the Finance and Claims Committee for amendment. Motion carried unanimously.

Majority Leader Van Valkenburg moved that the Senate recess subject to the call of the Chair. Motion carried unanimously.

Senate recessed at 1:41 p.m.

Senate reconvened at 2:41 p.m. President Mazurek presiding.

Roll call. All members present except Beck, excused. Quorum present.

MOTIONS

Majority Leader Van Valkenburg moved that HB 10 pass consideration until the next legislative day, January 15, 1992. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator B. Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 4 - Senator Nathe moved that HB 4 be concurred in. Motion carried as follows:

Yeas: Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Crippen, Devlin, Franklin, Fritz, Grosfield, Halligan, Hammond, Harding, Jacobson, Keating, Kennedy, Koehnke, Nathe, Pinsoneault, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Mr. President.
Total 29

Nays: Aklestad, Blaylock, Burnett, Christiaens, Doherty, Eck, Farrell, Gage, Hager, Harp, Hockett, Jergeson, Lynch, Noble, Pipinich, Rea, Waterman, Weeding, Williams, Yellowtail.
Total 20

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 5 - Senator Bianchi moved that HB 5 be concurred in. Motion carried with Senators Waterman and Christiaens voting nay.

SB 4 - Senator Aklestad moved that SB 4 do pass. Motion carried unanimously.

SB 5 - Senator Blaylock moved that SB 5 be moved to the bottom of the second reading board this legislative day. Motion carried unanimously.

HB 6 - Senator Keating moved that HB 6 be concurred in.
Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Christiaens, Devlin, Franklin, Fritz, Gage, Grosfield, Hammond, Harding, Jacobson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Weeding, Mr. President.
Total 34

Nays: Blaylock, Burnett, Doherty, Eck, Farrell, Hager, Halligan, Harp, Hockett, Jergeson, Pinsoneault, Waterman, Williams, Yellowtail.
Total 14

Absent or not voting: Crippen.
Total 1

Excused: Beck.
Total 1

HB 9 - Senator Keating moved that HB 9 be concurred in.
Motion carried unanimously.

HB 12 - Senator Doherty moved that HB 12 pass consideration for the day. Motion failed as follows:

Yeas: Bianchi, Blaylock, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Gage, Halligan, Hockett, Jergeson, Kennedy, Pinsoneault, Pipinich, Towe, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 22

Nays: Aklestad, Anderson, Bengtson, Brown, Burnett, Crippen, Devlin, Farrell, Grosfield, Hager, Hammond, Harding, Harp, Jacobson, Keating, Koehnke, Lynch, Nathe, Noble, Rea, Rye, Svrcek, Swift, Thayer, Tveit, Waterman.
Total 26

Absent or not voting: Stimatz.
Total 1

Excused: Beck.
Total 1

HB 12 - Senator Hockett moved that HB 12 be concurred in. Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck.

Total 1

HB 13 - Senator Hockett moved that HB 13 be concurred in. Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Christiaens, Crippen, Devlin, Eck, Farrell, Franklin, Gage, Grosfield, Hager, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Stimatz, Svrcek, Swift, Thayer, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Mr. President.
Total 40

Nays: Blaylock, Burnett, Doherty, Fritz, Halligan, Rea, Rye, Towe, Yellowtail.
Total 9

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 17 - Senator Jacobson moved that HB 17 be concurred in. Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Burnett, Christiaens, Crippen, Devlin, Farrell, Franklin, Fritz, Gage, Grosfield, Halligan, Hammond, Harding, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pipinich, Rye, Stimatz, Svrcek, Swift, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Nays: Blaylock, Brown, Bruski-Maus, Doherty, Eck, Hager, Harp, Hockett, Pinsoneault, Rea, Thayer, Vaughn, Waterman, Weeding, Williams, Yellowtail.
Total 16

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 18 - Senator Jergeson moved that HB 18 be concurred in. Motion carried as follows:

Yeas: Aklestad, Anderson, Bianchi, Brown, Burnett, Christiaens, Crippen, Devlin, Gage, Grosfield, Hager, Hammond, Harding, Harp, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Williams, Mr. President.
Total 34

Nays: Bengtson, Blaylock, Bruski-Maus, Doherty, Eck, Farrell, Franklin, Fritz, Halligan, Hockett, Rea, Vaughn, Waterman, Weeding, Yellowtail.
Total 15

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Mazurek presiding. Chairman Brown moved the adoption of the committee report. Report adopted.

MOTIONS

Senator Blaylock moved to take SB 5 from second reading this legislative day and be rereferred to the Committee on Rules. Motion carried unanimously.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Majority Leader Van Valkenburg moved the Senate stand in recess subject to the call of the Chair. Motion carried unanimously.

Senate recessed at 3:50 p.m.

Senate reconvened at 4:15 p.m. President Mazurek presiding.

Roll call. All members present except Beck, excused. Quorum present.

Majority Leader Van Valkenburg, Chair of Senate Rules Committee, reported committee action on SB 5. SB 5 does not require a three-fourths vote or super majority vote for passage.

Majority Leader Van Valkenburg, Chair of the Senate Rules Committee, moved that SB 5 be taken from the Rules Committee and placed on second reading this day. Motion carried unanimously.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator B. Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 5 - Senator Van Valkenburg moved that SB 5 be amended as follows:

1. Title, line 14.
Following: "DISTRICTS;"
Strike: "REQUIRING" on line 14 through "APPROVAL;" on line 15

2. Page 12, lines 12 through 16.
Strike: section 7 in its entirety
Renumber: subsequent section

Amendment adopted unanimously.

SB 5 - Senator Towe moved that SB 5 be amended as follows:

1. Title, line 17.
Following: "DATE"
Insert: "AND A CONTINGENT EFFECTIVE DATE"

2. Page 12, line 17.
Following: line 16
Insert: "Section 8. Section 17-5-703, MCA, is amended to read:

"17-5-703. Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution shall be composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax shall be deposited;

(b) a treasure state endowment fund;

(c) a clean coal technology demonstration fund;

~~(c)~~(d) a coal severance tax permanent fund; ~~and~~

~~(d)~~(e) a coal severance tax income fund; and

(f) a coal severance tax school bond contingency loan fund.

(2) The state treasurer shall determine the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates and retain that amount in the coal severance tax bond fund.

(3) (a) On [the effective date of this act] and continuing as long as any school district bonds secured by state loans under [section 1] are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district

bonds secured by state loans under [section 1] during the next following 12 months.

~~(3)~~(4) Beginning ~~on~~ July 1, 1991, and ending ~~on~~ June 30, 1997, from any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of any amount that is required to be transferred by subsection (3), the state treasurer shall from time to time transfer ~~from the excess amount in the coal severance tax bond fund~~ an amount not exceeding $5 million ~~a~~ per fiscal year to the clean coal technology demonstration fund ~~and any remaining amount to the coal severance tax permanent fund~~.

(5) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall transfer to the treasure state endowment fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsections (3) and (4).

(6) (a) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall from time to time transfer to the coal severance tax permanent fund 50% of the principal transferred from the coal severance tax bond fund to the treasure state endowment fund in the preceding year.

(b) The state treasurer shall annually transfer to the treasure state endowment special revenue account the amount of interest earnings required to meet the obligations of the state that are payable from the account in accordance with [section 6 of House Bill No. 19]. Interest earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.""

Renumber: subsequent section

3. Page 12, line 17.
Following: "Effective"
Strike: "date"
Insert: "dates -- coordination"
Following: "."
Strike: "[This act] is"
Insert: "(1) [Sections 1 through 7 and this section] are"

4. Page 12, line 19.
Following: line 18
Insert: "(2) If House Bill No. 19 is passed and is approved by the electorate, then [section 3 of this act] and [section 4 of House Bill No. 19] are void and [section 8 of this act] is effective on the date of approval by the electorate."

Amendment adopted unanimously.

SB 5 - Senator Blaylock moved that SB 5 be amended as follows:

1. Page 6, line 10.
Following: "~~state loans~~"
Strike: "THE STATE"

Insert: "state loans"

2. Page 7, lines 4 through 6.
Following: "district." on line 4
Strike: remainder of line 4 through "LOAN." on line 6

Amendment adopted unanimously.

SB 5 - Senator Blaylock moved that SB 5 do pass as amended. Motion carried unanimously.

Majority Leader Van Valkenburg moved that the Senate rise and report. Motion carried. Committee arose. Senator Brown moved adoption of the committee report. Report adopted.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Pipinich, Chairman) 1/14/92
Correctly engrossed: SB 4, SB 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 concurred in by the following vote:

Yeas: Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Crippen, Devlin, Eck, Franklin, Fritz, Grosfield, Hammond, Harding, Jacobson, Keating, Kennedy, Koehnke, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Mr. President.
Total 31

Nays: Aklestad, Blaylock, Burnett, Christiaens, Doherty, Farrell, Gage, Hager, Halligan, Harp, Hockett, Jergeson, Lynch, Rea, Waterman, Weeding, Williams, Yellowtail.
Total 18

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 5 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 45

Nays: Christiaens, Hockett, Waterman, Yellowtail.
Total 4

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

SB 4 passed by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Nays: Blaylock.
Total 1

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 6 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bianchi, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Franklin, Fritz, Gage, Grosfield, Hammond, Harding, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Mr. President.
Total 36

Nays: Bengtson, Blaylock, Doherty, Eck, Farrell, Hager, Halligan, Harp, Hockett, Waterman, Weeding, Williams, Yellowtail.
Total 13

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 9 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp,

Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 12 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 13 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Eck, Farrell, Franklin, Gage, Grosfield, Hager, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Stimatz, Svrcek, Swift, Thayer, Tveit, Van Valkenburg, Vaughn, Waterman, Williams, Mr. President.
Total 40

Nays: Blaylock, Doherty, Fritz, Halligan, Rea, Rye, Towe, Weeding, Yellowtail.
Total 9

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 17 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bianchi, Blaylock, Bruski-Maus, Burnett, Crippen, Devlin, Farrell, Franklin, Fritz, Gage, Grosfield, Hammond, Harding, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Swift, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Nays: Bengtson, Brown, Christiaens, Doherty, Eck, Hager, Halligan, Harp, Hockett, Rea, Thayer, Vaughn, Waterman, Weeding, Williams, Yellowtail.
Total 16

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 18 concurred in by the following vote:

Yeas: Aklestad, Anderson, Bianchi, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Franklin, Gage, Grosfield, Hager, Harding, Harp, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Swift, Tveit, Van Valkenburg, Vaughn, Williams, Mr. President.
Total 33

Nays: Bengtson, Blaylock, Brown, Doherty, Eck, Farrell, Fritz, Halligan, Hammond, Hockett, Rea, Thayer, Towe, Waterman, Weeding, Yellowtail.
Total 16

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

SB 5 passed by the following vote:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Nays: Svrcek.
Total 1

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

MOTIONS

HB 2 - Majority Leader Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House on Senate amendments to HB 2. Motion carried. The President appointed the following members:

Senator Jacobson, Chairman
Senator Jergeson
Senator Aklestad

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 10 a.m., January 15, 1992. Motion carried.

Senate adjourned at 4:40 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

EIGHTH LEGISLATIVE DAY

Helena, Montana
January 15, 1992

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present except Beck, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jacobson, Chairman) 1/15/92
HB 3, third reading copy, be amended as follows:

1. Title, line 12.
Following: line 11
Insert: "EXCLUDING TIMBER SALE REVENUE FROM THE DEFINITION OF INCOME TO BE DEPOSITED IN THE RESOURCE DEVELOPMENT ACCOUNT;"
Following: "20-9-341,"
Strike: "AND"
Following: "20-9-601,"
Insert: "AND 77-1-602,"

2. Page 5, line 24.
Following: line 23
Insert: "Section 5. Section 77-1-602, MCA, is amended to read:

"77-1-602. Definition of terms. Unless the context requires otherwise, in this part the following definitions apply:

(1) "Account" means the resource development account in the state special revenue fund.

(2) "Income" means all proceeds received for the use of state land except ~~revenues~~ revenue required by law to be placed in the Montana nonexpendable trust fund type and revenue from the sale of timber.""

Renumber: subsequent section

3. Page 6, line 1.
Strike: "AND 4"
Insert: "through 5"

And, as amended, be concurred in. Report adopted.

HB 21, be concurred in. Report adopted.

TAXATION (Halligan, Chairman) 1/15/92
HB 19, third reading copy, be amended as follows:

1. Page 1, line 25.
Insert: "STATEMENT OF INTENT

A statement of intent is necessary for [this act] because [section 6] delegates rulemaking authority to the department of natural resources and conservation and to the department of commerce. It is the intent of the legislature that in adopting rules to implement the prioritization of projects, the agencies shall use the rules established for determining priorities for water development

projects as guidelines. The department of commerce should use its existing procedures for determining the local governments that are eligible for financing as a guide in adopting rules to implement the treasure state endowment program. In adopting rules to implement [this act], the departments shall take into consideration any coordination between [this act] and the coal severance tax school bond contingency loan fund."

2. Page 7, line 2.
Following: "PROCEDURE"
Insert: "-- rulemaking"

3. Page 8, line 17.
Following: line 16
Insert: "(4) The department of natural resources and conservation shall adopt rules to implement the prioritization and recommendation of projects to be financed pursuant to 17-5-701.

(5) Except as provided in subsection (4), the department of commerce shall adopt rules necessary to implement the treasure state endowment program."

4. Page 9, lines 14 and 15.
Following: "bonds"
Strike: "to be" on line 14 through "fund" on line 15

5. Page 9, line 16.
Following: "program"
Insert: "and shall take any action necessary to prevent a negative arbitrage consequence"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

January 14, 1992

Joseph P. Mazurek
President
Montana State Senate
State Capitol
Helena, MT 59620

Dear President Mazurek:

Please be informed that I have signed Senate Bill 2 on January 14, 1992.

Sincerely,

STAN STEPHENS
Governor

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 10:08 a.m.

Senate reconvened at 1:30 p.m. President Mazurek presiding.

Roll call. All members present except Beck excused. Quorum present.

Mr President: We your Committee on Bills and Journal, having examined the daily journal for the sixth and seventh legislative days, find the same to be correct.

Pipinich, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Halligan, Chairman) 1/15/92
HB 14, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HJR 2, introduced by Bardanouve

FIRST READING AND COMMITMENT OF BILLS

The following bill was introduced, read first time, and referred to committee:

HJR 2, introduced by Bardanouve, Thayer, Gage, Harp, R. Johnson, referred to the Committee on Finance and Claims

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Yellowtail in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 10 - Senator Van Valkenburg moved to amend HB 10 as follows:

1. Page 1, line 9.
Following: "EFFECTIVE DATE"
Insert: ", A RETROACTIVE APPLICABILITY DATE,"

2. Page 1, line 24.

Following: "Starting"
Strike: "July"
Insert: "January"

3. Page 8, line 6.
Following: "date"
Strike: "date"
Insert: "and retroactive applicability"

4. Page 8, following line 6.
Insert: "(1)"

5. Page 8, line 7.
Following: "approval"
Strike: "and"
Insert: ". [This act] applies retroactively, within the meaning of 1-2-109, to coal severance tax collections received and distributed after January 1, 1992.
(2) [This act]

Amendment adopted as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Brown, Christiaens, Crippen, Devlin, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Mr. President.
Total 37

Nays: Blaylock, Bruski-Maus, Burnett, Doherty, Farrell, Hockett, Rea, Swift, Waterman, Weeding, Williams, Yellowtail.
Total 12

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

Senator Keating moved that HB 10 be concurred in. Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Brown, Christiaens, Crippen, Devlin, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Keating, Kennedy, Koehnke, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Mr. President.
Total 35

Nays: Blaylock, Bruski-Maus, Burnett, Doherty, Farrell, Hockett, Jergeson, Lynch, Rea, Swift, Waterman, Weeding, Williams, Yellowtail.
Total 14

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 3 - Senator Keating moved that HB 3 be concurred in. Motion carried as follows:

Yeas: Aklestad, Anderson, Bengtson, Bianchi, Brown, Bruski-Maus, Christiaens, Crippen, Devlin, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Towe, Tveit, Van Valkenburg, Vaughn, Williams, Mr. President.
Total 40

Nays: Blaylock, Burnett, Doherty, Eck, Swift, Waterman, Weeding, Yellowtail.
Total 8

Absent or not voting: Thayer.
Total 1

Excused: Beck.
Total 1

HB 19 - Senator Mazurek moved that HB 19 be concurred in. Motion carried as follows:

Yeas: Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Harp, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Nays: Aklestad, Anderson, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Keating, Nathe, Noble, Rye, Swift, Thayer, Tveit.
Total 18

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 21 - Senator Jacobson moved that HB 21 be concurred in. Motion carried as follows:

Yeas: Aklestad, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Crippen, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Hammond, Harding, Harp,

Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn.
Total 34

Nays: Anderson, Burnett, Christiaens, Devlin, Doherty, Farrell, Halligan, Hockett, Pinsoneault, Swift, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

HB 14 - Senator Doherty moved that HB 14 be amended as follows:

1. Page 1, line 25 through page 2, line 1.
Strike: "." on page 1, line 25 through "ranchers" on page 2, line 1

2. Page 2, lines 1 and 2.
Strike: "as" on line 1 through "(6)." on line 2

3. Page 9, lines 7 through 10.
Strike: subsection (6) in its entirety
Renumber: subsequent subsection

Amendment failed as follows:

Yeas: Bianchi, Blaylock, Doherty, Franklin, Fritz, Rye, Stimatz.
Total 7

Nays: Aklestad, Anderson, Bengtson, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Eck, Farrell, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

Senator Beck present at 2:37 p.m.

Senator Brown moved that HB 14 be concurred in. Motion carried as follows:

Yeas: Anderson, Beck, Bengtson, Brown, Bruski-Maus, Christiaens, Crippen, Eck, Franklin, Fritz, Grosfield, Halligan, Harding, Harp, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Mr. President.
Total 36

Nays: Aklestad, Bianchi, Blaylock, Burnett, Devlin, Doherty, Farrell, Gage, Hager, Hammond, Hockett, Noble, Swift, Yellowtail.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed, President Mazurek presiding. Chairman Yellowtail moved the adoption of the committee report. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned for concurrence in House amendments:

SB 5, introduced by Blaylock

Senate bills concurred in and returned to the Senate:

SB 1, introduced by Harp

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Yellowtail in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 5 - Senator Blaylock moved that House amendments to SB 5 be concurred in. Motion carried as unanimously.

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed, President Mazurek presiding. Chairman Yellowtail moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 10, concurred in by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Brown, Christiaens, Crippen, Devlin, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Keating, Kennedy, Koehnke, Nathe, Noble, Pinsoneault, Pipinich, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Mr. President.
Total 36

Nays: Blaylock, Bruski-Maus, Burnett, Doherty, Farrell, Hockett, Jergeson, Lynch, Rea, Swift, Waterman, Weeding, Williams, Yellowtail.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 3, concurred in by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Brown, Bruski-Maus, Christiaens, Crippen, Devlin, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Hammond, Harding, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Williams, Mr. President.
Total 40

Nays: Blaylock, Burnett, Doherty, Eck, Halligan, Harp, Swift, Waterman, Weeding, Yellowtail.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 19, concurred in by the following vote:

Yeas: Anderson, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Harp, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 32

Nays: Aklestad, Beck, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Keating, Nathe, Noble, Rye, Swift, Thayer, Tveit.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 21, concurred in by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Brown, Bruski-Maus, Crippen, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn.
Total 36

Nays: Blaylock, Burnett, Christiaens, Devlin, Doherty, Farrell, Hockett, Pinsoneault, Swift, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 14, concurred in by the following vote:

Yeas: Anderson, Beck, Bengtson, Brown, Bruski-Maus, Crippen, Eck, Franklin, Fritz, Grosfield, Harding, Harp, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Mr. President.
Total 33

Nays: Aklestad, Bianchi, Blaylock, Burnett, Christiaens, Devlin, Doherty, Farrell, Gage, Hager, Halligan, Hammond, Hockett, Noble, Rye, Swift, Yellowtail.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 5, House amendments concurred in by following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell,

Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 8:00 a.m., Thursday, January 16, 1992. Motion carried.

Senate adjourned at 3:20 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 16, 1992 — State Capitol

Senate convened at 8:00 a.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present, except Farrell excused. Senators Lynch and Beck not present. Quorum present.

REPORTS OF STANDING COMMITTEES

TAXATION (Halligan, Chairman) 1/16/92
HJR 1, third reading copy, be amended as follows:

1. Page 4, line 11.
Strike: "$463,405,000"
Insert: "$469,896,000"
Strike: "$471,738,000"
Insert: "$484,634,000"

2. Page 4, line 12.
Strike: "$373,217,000"
Insert: "$375,407,000"
Strike: "$366,918,000"
Insert: "$371,494,000"

3. Page 6, line 9.
Strike: "$125.000"
Insert: "$145.000"

4. Page 6, line 12.
Strike: "$15.597"
Insert: "$16.397"

5. Page 6, line 15.
Strike: "$11.257"
Insert: "$13.257"

6. Page 6.
Following: line 15
Insert: "FY Other Audits (Millions) $0.200"

7. Page 9, line 4.
Strike: "$203.212000"
Insert: "$203.714000"
Strike: "$402.296000"
Insert: "$402.798000"

8. Page 9, line 6.
Strike: "35.970000"
Insert: "37.190000"
Strike: "68.487000"
Insert: "69.707000"

9. Page 9, line 9.

Strike: "20.499000"
Insert: "21.717000"
Strike: "38.159000"
Insert: "39.377000"

10. Page 9, line 12.
Strike: "43.652000"
Insert: "43.932000"
Strike: "86.203000"
Insert: "86.483000"

11. Page 9, line 23.
Strike: "4.125000"
Insert: "4.325000"
Strike: "8.134000"
Insert: "8.334000"

12. Page 10, line 13.
Strike: "$481.214000"
Insert: "$484.634000"
Strike: "$951.110000"
Insert: "$954.530000"

13. Page 10, line 25.
Strike: "$92.222000"
Insert: "$92.450000"
Strike: "$182.571000"
Insert: "$182.799000"

14. Page 11, line 4.
Strike: "16.806000"
Insert: "17.376000"
Strike: "31.999000"
Insert: "32.569000"

15. Page 11, line 18.
Strike: "$262.475000"
Insert: "$263.273000"
Strike: "$526.342000"
Insert: "$527.140000"

16. Page 12, line 11.
Strike: "$370.696000"
Insert: "$371.494000"
Strike: "$746.103000"
Insert: "$746.901000"

And as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate Amendments to House bills concurred in, and returned to the Senate:

HB 3, introduced by Representative Thoft
HB 17, introduced by Representative D. Brown
HB 19, introduced by Representative Harper

Senate bill concurred in, and returned to the Senate:

SB 4, introduced by Senator Aklestad

HB 2 - House dissolved the Conference Committee on Senate amendments to HB 2 and authorized the Speaker to appoint a Free Conference Committee to meet with a like committee from the Senate on HB 2. The Speaker appointed the following members:

Representative Peck, Chair
Representative Kadas
Representative Thoft

MOTIONS

HB 2 - Majority Leader Van Valkenburg moved that the Conference Committee on Senate amendments to HB 2 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House. Motion carried. The President appointed the following members:

Senator Jacobson, Chair
Senator Jergeson
Senator Aklestad

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess until 11:30 a.m. Motion carried.

Senate recessed at 8:10 a.m.

Senate reconvened at 11:37 a.m. President Mazurek presiding.

Roll call. Forty-four members present. Senators Aklestad, Jacobson, Jergeson, Farrell, excused. Senators Hager and Weeding not present. Quorum present.

Mr. President: We your Committee on Bills and Journal, having examined the daily journal for the eighth legislative day, find the same to be correct.

Pipinich, Chairman

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jacobson, Chairman) 1/16/92
HJR 2, be concurred in. Report adopted.

HB 11, third reading copy, be amended as follows:
1. Title, line 17.
Strike: "IMMEDIATE"

2. Page 2, lines 5 and 6.
Following: "~~revenue~~" on line 5
Strike: "NOT TO EXCEED"
Insert: "that ensures that"
Following: "PROJECTED"
Insert: "ending"
Following: "FUND"
Strike: remainder of line 5 through "DEFICIT" on line 6
Insert: "balance for the biennium will be at least 1% of all general fund appropriations during the biennium"

3. Page 2, lines 17 and 18.
Following: "spending" on line 17
Strike: "in an amount"
Following: "~~revenue~~" on line 17
Strike: remainder of line 17 through "DEFICIT" on line 18
Insert: "as provided in subsection (1)(a)"

4. Page 4, line 13.
Following: "OF"
Strike: "THE"

5. Page 4, lines 14 through 17.
Following: "PROJECTED" on line 14
Insert: "negative"
Following: "BIENNIUM"
Strike: remainder of line 14 through "BIENNIUM" on line 17

6. Page 7, line 8.
Strike: "on passage and approval"
Insert: "July 1, 1992"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

HB 10 - House, on January 16, 1992, failed to concur in Senate amendments to HB 10, authorized the Speaker to appoint a Free Conference Committee, and requested the Senate to appoint a like committee to confer on Senate amendments to HB 10. The Speaker appointed the following members:

Representative Bardanouve, Chair

Representative Driscoll
Representative Thoft

MOTIONS

HB 10 - Majority Leader Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House on Senate amendments to HB 10. Motion carried. The President appointed the following members:

Senator Van Valkenburg, Chair
Senator Harp
Senator Weeding

Majority Leader Van Valkenburg moved the Senate recess until 1:30 p.m. Motion carried.

Senate recessed at 11:40 a.m.

Senate reconvened at 1:35 p.m. President Mazurek presiding.

Roll call. All members present. Quorum present.

MOTIONS

Majority Leader Van Valkenburg moved to pass consideration on HJR 1. Motion carried unanimously.

REPORTS OF SELECT COMMITTEES

Senator Jacobson reported on deliberations of the Free Conference Committee on HB 2.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 11 - Senator Fritz moved to amend HB 11 as follows:

1. Page 2, line 9.
Strike: "10%"
Insert: "8%"

2. Page 2, line 12.
Strike: "10%"
Insert: "8%"

And, as amended, be concurred in as follows:

Yeas: Bianchi, Blaylock, Brown, Bruski-Maus, Christiaens, Doherty, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Lynch, Pipinich, Rea, Stimatz, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Yellowtail, Mr. President.
Total 25

Nays: Aklestad, Anderson, Beck, Bengtson, Burnett, Crippen, Devlin, Farrell, Gage, Grosfield, Hammond, Harding, Harp, Keating, Koehnke, Nathe, Noble, Pinsoneault, Rye, Svrcek, Swift, Thayer, Tveit, Williams.
Total 24

Absent or not voting: Hager.
Total 1

Excused: None.
Total 0

Senator Svrcek moved that HB 11 be concurred in. Motion carried as follows:

Yeas: Brown, Bruski-Maus, Jacobson, Jergeson, Koehnke, Rea, Rye, Stimatz, Svrcek, Vaughn, Weeding, Williams, Mr. President.
Total 13

Nays: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Keating, Kennedy, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Swift, Thayer, Towe, Tveit, Van Valkenburg, Waterman, Yellowtail.
Total 37

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Van Valkenburg moved to indefinitely postpone HB 11. Motion carried as follows:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Keating, Koehnke, Lynch, Nathe, Pinsoneault, Pipinich, Stimatz, Swift, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Yellowtail, Mr. President.
Total 39

Nays: Brown, Farrell, Jacobson, Jergeson, Kennedy, Noble, Rea, Rye, Svrcek, Thayer, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 2, Senator Thayer moved that HJR 2 be concurred in. Motion carried unanimously.

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Mazurek presiding. Chairman Gage moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 2 - be concurred in by the following vote:

Yeas: Anderson, Beck, Bengtson, Bianchi, Blaylock, Brown, Bruski-Maus, Burnett, Christiaens, Crippen, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Grosfield, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Swift, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: Aklestad.
Total 1

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess until 4:00 p.m. Motion carried.

Senate recessed at 2:37 p.m.

Senate reconvened at 4:26 p.m. President Mazurek presiding.

Roll call. All members present. Quorum present.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Whip Svrcek moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 1, Senator Towe moved that HJR 1 be concurred in. Motion carried as follows:

Yeas: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Crippen, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Nathe, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Nays: Aklestad, Anderson, Beck, Brown, Burnett, Devlin, Doherty, Farrell, Gage, Grosfield, Hager, Hammond, Harp, Keating, Noble, Swift, Thayer, Tveit.
Total 18

Absent or not voting: Harding.
Total 1

Excused: None.
Total 0

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Mazurek presiding. Chairman Gage moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess until 6:30 p.m. Motion carried.

Senate recessed at 4:52 p.m.

Senate reconvened at 6:38 p.m. President Mazurek presiding.

Roll call. All members present. Quorum present.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Van Valkenburg moved the Senate adjourn until 8:00 a.m., Friday, January 17, 1992. Motion carried.

Senate adjourned at 6:41 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

[illegible]
consideration [illegible]
[illegible]
[illegible]
[illegible]

Yeas: Baughman, [illegible], Blaylock, Bengtson-Moore, [illegible]
Fox, Franklin, Fritz, Halligan, Hockett, [illegible], Jergeson,
Koehnke, Lynch, Mohar, [illegible], Pipinich, Rea, Rye, [illegible]
[illegible], Van Valkenburg, Vaughn, Waterman, Weeding, Williams
[illegible]
Total [illegible]

Nays: Aklestad, Anderson, Beck, Brown, [illegible], Devlin, Doherty, [illegible]
Gage, Grosfield, Hager, Hammond, [illegible], Keating, Noble, Swift, Thayer,
[illegible]
Total 19

Absent or not voting: Harding.
Total 1

Defeated. [illegible]

Majority Leader Van Valkenburg moved the committee rise [illegible]
Motion carried. Committee arose. Senate resumed. President [illegible]
presiding. Chairman Gage moved the adoption of the committee [illegible]
Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee [illegible]

[illegible]

Majority Leader Van Valkenburg [illegible]

TENTH LEGISLATIVE DAY

Helena, Montana
January 17, 1992

Senate Chambers
State Capitol

Senate convened at 8:00 a.m., President Mazurek presiding. Invocation by the Chaplain, Father Eugene Peoples. Pledge of Allegiance to the Flag.

Roll call. All members present except Halligan, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

BILLS AND JOURNAL (Pipinich, Chairman) 1/16/92
Signed by the President at 8:20 a.m.: HB 3, HB 14, HB 17, HB 19, HB 21, HJR 2
Signed by the President at 2:15 p.m.: SB 1, SB 4, SB 5

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill 2
Report No. 1, January 16, 1992

Mr. Speaker and Mr. President,

We, your Free Conference Committee, met and considered House Bill No. 2 and recommend that House Bill No. 2 (reference copy--salmon) be amended as follows:

1. Page BP-2 and 3.
Strike: section 8 in its entirety
Renumber: subsequent sections

2. Page BP-4, line 15.
Strike: "$1,500,000"
Insert: "$1,635,363"

3. Page BP-4, line 20.
Following: "SYSTEM"
Strike: "PERSONAL SERVICES TRANSFER AND"

4. Page BP-4, line 21.
Strike: "PERSONAL SERVICES TRANSFER PROVISIONS IN [SECTION 2] AND THE"

5. Page A-4.
Following: line 24
Insert: "The unobligated portions of the appropriations in Chapter 1, Special Laws of January 1992, are on March 1, 1992, reappropriated to the legislative council and may be spent for an interim study upon unanimous agreement of the president of the senate, senate minority leader, speaker of the house, and house minority leader. The leaders may determine the membership and scope of the interim committees."

6. Page A-7, line 24.
Strike: "2,806,573"

Insert: "3,062,573"

7. Page A-8, line 5.
Strike: "123,710"
Insert: "52,060"

8. Page A-9, line 25.
Strike: "15,000" State Special Revenue Fiscal 1992
"15,000" State Special Revenue Fiscal 1993
Insert: "15,000" Federal Special Revenue Fiscal 1992
"15,000" Federal Special Revenue Fiscal 1993

9. Page A-10, line 21.
Strike: "876,288" "876,789"
Insert: "948,712" "935,751"

10. Page A-10.
Following: line 23
Strike: lines 24 and 25 in their entirety

11. Page A-11.
Following: line 6
Strike: lines 7 and 8 in their entirety

12. Page A-20, line 4.
Strike: 93,315" "308,576"
Insert: "304,762" "381,749"

13. Page A-24.
Following: line 1
Insert: "f. Revenue Enhancement"
(general fund fiscal 1992) "39,667"
(general fund fiscal 1993) "126,761"

14. Page A-25, line 4.
Following: "APPLICANT."
Insert: "Those agency agreements that contain renewal options must be honored according to the terms of the agency contract and request for bids in existence prior to January 1, 1991."

15. Page A-33, line 22.
Strike: "11,055" "10,019"
Insert: "31,834" "67,732"

16. Page B-16.
Following: line 2
Insert: "14. Budget Reduction (Line Item)"
"50,000" "100,000"

17. Page C-9, line 9.
Strike: "300,000"
Insert: "250,000"

18. Page C-12, line 3.
Following: "The"
Strike: "$300,000"
Insert: "$250,000"
Following: "study"
Strike: "($250,000)"
Insert: "($200,000)"

19. Page C-16, line 4.
Following: line 4
Insert: "k. Treasure State Endowment -- HB 19
20,000" (FY93, General Fund)

20. Page C-17.
Following: line 23
Insert: "Item 4k is to implement House Bill No. 19 and is contingent on passage of House Bill No. 19 and on electoral approval."

21. Page C-23, line 5.
Strike: "1,296,279"
Insert: "1,160,916"

22. Page C-23.
Following: line 9
Insert: "c. Treasure State Endowment -- HB 19
35,000" (FY93, General Fund)

23. Page C-27.
Following: line 14
Insert: "Item 10c is to implement House Bill No. 19 and is contingent on passage of House Bill No. 19 and on electoral approval."

24. Page E-1, line 20.
Strike: "367,521 2,719,428 832,959 367,773 2,717,688 827,733"
Insert: "470,021 4,248,382 904,728 381,305 4,089,022 887,460"

25. Page E-1, line 21.
Strike: "2,977,475 2,963,514"
Insert: "3,540,725 3,338,426"

26. Page E-1.
Following: line 23
Strike: lines 24 and 25 in their entirety

27. Page E-2.
Strike: lines 1 through 25 in their entirety

28. Page E-3.
Strike: lines 1 through 11 in their entirety

29. Page E-5.
Strike: line 13

Insert: "Included in item 1 is a biennial appropriation of $136,000 from the general fund and $82,000 from the state special revenue fund for audiology services."

30. Page E-5, line 3.
Strike: "41,534,000"
Insert: "24,130,000"

31. Page E-5, line 14.
Following: "APPROPRIATION"
Insert: ", excluding item 2r, school equalization supplemental funding,"

32. Page E-13, line 7.
Strike: "307,913"
Insert: "362,913"

33. Page E-13, line 9.
Strike: "143,861"
Insert: "153,920"

34. Page E-24.
Following: line 1
Insert: "The 52nd legislature intends for the Montana university system to be subject to the personal services line item requirements contained in [section 2, Chapter 815, Laws of 1991, as amended by [this act]]. The dollar amount of the personal services line item is equal to the following:

(1) For the research, public service, and plant programs, the line item amount is equal to the personal services amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(2) For the instruction program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year but may be no less than the faculty compensation amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(3) For the support program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year.

It is further the intent of the 52nd legislature that the original budgeted personal services by program on the regents' employee reporting system each fiscal year equal the original regents'-approved operating budget by program."

35. Page OA-7, line 9.
Insert: "150,000 Higher Education Funds and/or Donations"

36. Page OA-7, line 10.
Strike: "584,500"
Insert: "934,500"

37. Page OA-8, line 6.

Strike: "633,000"
Insert: "283,000"

LFA will amend totals.

The Committee recommends that the narrative and tables accompanying House Bill 2 as amended by the conference committee be adopted as legislative intent.

The Legislative Fiscal Analyst is directed to reflect on its general fund summary sheets and in the Appropriations Report the following statutory appropriations at the level shown in the Executive Budget:

	FY93 (Millions)
Guaranteed Tax Base	$47.436
Personal property tax reimbursement	19.037

The Legislative Fiscal Analyst is further directed to reflect on its general fund summary sheets and in the Appropriations Report the $1.0 million fund balance adjustment for federal fire suppression cost reimbursement shown in the Executive Budget (page 9).

And this Free Conference Committee report be adopted.

For the Senate:

Sen. Jacobson, Chair
Sen. Jergeson
Sen. Aklestad

For the House:

Rep. Peck, Chair
Rep. Kadas
Rep. Thoft

Report adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Halligan present at 8:46 a.m.

HB 2 - Senator Jacobson moved that the Free Conference Committee report on HB 2 be adopted. Motion carried as follows:

Yeas: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 26

Nays: Aklestad, Anderson, Beck, Brown, Burnett, Crippen, Devlin, Doherty, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Nathe, Noble, Rye, Swift, Thayer, Tveit, Waterman, Yellowtail.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Mazurek presiding. Chairman Lynch moved the adoption of the committee report. Report adopted.

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess until 10:20 a.m. Motion carried.

Senate recessed at 10:04 a.m.

Senate reconvened at 10:32 a.m. President Mazurek presiding.

Roll call. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 10
Report No. 1, January 17, 1992

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill No. 10, considered and recommend House Bill No. 10 (reference copy - salmon) be amended as follows:

1. Title, line 9.
Following: "EFFECTIVE DATE"
Strike: "<u>, A RETROACTIVE APPLICABILITY DATE,</u>"

2. Page 1, line 25.
Strike: "<u>JANUARY</u>"
Insert: "July"

3. Page 8, lines 7 and 8.
Following: "date" on line 7
Strike: "<u>-- RETROACTIVE APPLICABILITY</u>"

4. Page 8, line 8.
Strike: "<u>(1)</u>"

5. Page 8, lines 9 through 12.
Following: "~~and~~" on line 9
Strike: the remainder of line 9 through "ACT]" on line 12
Insert: "and"

And that this Free Conference Committee report be adopted.
Motion carried.

For the Senate:	For the House:
Sen. Van Valkenburg, Chair	Rep. Bardanouve, Chair
Sen. Weeding	Rep. Driscoll
Sen. Harp	Rep. Thoft

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 1 concurred in as by the following vote:

Yeas: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Crippen, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Nays: Aklestad, Anderson, Beck, Brown, Burnett, Devlin, Doherty, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Nathe, Noble, Rye, Swift, Thayer, Tveit.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 2 Free Conference Committee Report No. 1 adopted by the following vote:

Yeas: Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Eck, Franklin, Fritz, Halligan, Hockett, Jacobson, Jergeson, Kennedy, Koehnke, Lynch, Pinsoneault, Pipinich, Rea, Stimatz, Svrcek, Towe, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Nays: Aklestad, Anderson, Beck, Brown, Burnett, Crippen, Devlin, Doherty, Farrell, Gage, Grosfield, Hager, Hammond, Harding, Harp, Keating, Nathe, Noble, Rye, Swift, Thayer, Tveit.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Van Valkenburg moved the Senate recess until 11:00 a.m. Motion carried.

Senate recessed at 10:41 a.m.

Senate reconvened at 11:09 a.m. President Mazurek presiding.

Roll call. Forty-seven members present. Senators Svrcek, Tveit, Weeding not present.

MOTIONS

Majority Leader Van Valkenburg moved the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 11:12 a.m.

Senate reconvened at 11:45 a.m. President Mazurek presiding.

Roll call. All members present. Quorum present.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 10, Senator Van Valkenburg moved that the Free Conference Committee report on HB 10 be adopted. Motion carried unanimously.

Majority Leader Van Valkenburg moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Mazurek presiding. Chairman Lynch moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 10, Free Conference Committee Report No. 1 adopted by the following vote:

Yeas: Aklestad, Anderson, Beck, Bengtson, Bianchi, Blaylock, Bruski-Maus, Christiaens, Devlin, Doherty, Eck, Farrell, Franklin, Fritz, Gage, Hager, Halligan, Hammond, Harding, Harp, Hockett, Jacobson, Jergeson, Keating, Kennedy, Koehnke, Lynch, Nathe, Noble, Pinsoneault, Pipinich, Rea, Rye, Stimatz, Svrcek, Thayer, Towe, Tveit, Van Valkenburg, Vaughn, Waterman, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Nays: Brown, Burnett, Crippen, Grosfield, Swift.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Majority Leader Van Valkenburg moved that the President be authorized to appoint a committee of three to notify His Excellency, the Governor, that the Senate of the Special Session of the 52nd Legislature is ready to adjourn sine die. Motion carried. The President appointed the following committee:

Senator Van Valkenburg, Chair
Senator Crippen
Senator Lynch

Majority Leader Van Valkenburg moved that the President be authorized to appoint a committee of three to notify the House, that the Senate of the Special Session of the 52nd Legislature is ready to adjourn sine die. Motion carried. The President appointed the following committee:

Senator Svrcek, Chair
Senator Bengtson
Senator Anderson

Majority Leader Van Valkenburg moved that the President be authorized to appoint a committee of three to notify the Chief Justice and Associate Justices of the Montana Supreme Court that the Senate of the Special Session of the 52nd Legislature is ready to adjourn sine die. Motion carried. The President appointed the following committee:

Senator Pinsoneault, Chair
Senator Vaughn
Senator Farrell

Majority Leader Van Valkenburg moved that the Senate stand at ease subject to the call of the Chair. Motion carried.

Sergeant-at-Arms Carlson announced that a committee from the House of Representatives awaited entrance. Representatives J. Brown, Hanson,

Wallin, and Nisbet were admitted and reported that the House of Representatives had completed its business and was ready to adjourn sine die. The President thanked them for their good work and bade them farewell.

Committees were dismissed to perform their appointed duties.

REPORTS OF SELECT COMMITTEES

The committee that had notified the Governor was admitted and reported that the Governor had given them his heartfelt thanks and wishes the Senate well. The committee was thanked and dismissed.

Sergeant-at-Arms Carlson admitted the committee that notified the Supreme Court that the Senate was ready to adjourn, and they reported the Chief Justice hoped he would not see them in session again until 1993. They were thanked and dismissed by President Mazurek.

The committee that had notified the House of Representatives reported that the members of the House had greeted them cordially. The Speaker passed his appreciation for the Senate's cooperation and wished all a safe journey home. They were thanked and dismissed by President Mazurek.

Majority Leader Van Valkenburg moved that the Senate publish the journal of the proceedings of the Special Session of the 52nd Legislature up through this legislative day, and that the President be authorized to approve the payment for publishing costs. Motion carried.

Majority Leader Van Valkenburg moved that Joint Rule 40-160 be interpreted so that any bill passed by both houses of the legislature by the last legislative day may be enrolled, clerically corrected by the presiding officers, signed by the presiding officers and delivered to the Governor not later than five business days after its return from enrolling. All journal entries authorized under this rule as announcements and/or communications will be entered in the journal for this legislative day. Motion carried.

President Mazurek thanked the Rostrum, Legislative Fiscal Analysts, and all other legislative staff members for a job well done.

Majority Leader Van Valkenburg moved the Senate adjourn sine die.

Senate adjourned sine die at 12:08 p.m.

JOSEPH P. MAZUREK
President of the Senate

DAVE HUNTER
Secretary of the Senate

ADDENDUM
SENATE JOURNAL
FIFTY-SECOND LEGISLATURE
JANUARY 1992 SPECIAL SESSION

January 14, 1992

The Honorable Joseph P. Mazurek
President
Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Mazurek:

Please be informed that I signed Senate Bill 2 on January 14, 1992.

Sincerely,

STAN STEPHENS
Governor

January 21, 1992

The Honorable Joseph P. Mazurek
President
Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Mazurek:

Please be informed that I signed Senate Bills 1, 4 and 5 on January 21, 1992.

Sincerely,

STAN STEPHENS
Governor

HOUSE JOURNAL

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MONTANA

In Special Session

January 6 through January 17, 1992

Hal Harper
Speaker of the House

Joyce Andrus
Chief Clerk of the House

Kara Menahan
Journal Clerk

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FIRST LEGISLATIVE DAY

Helena, Montana
January 6, 1991

House Chambers
State Capitol

Pursuant to law, and the following call of the Governor, Speaker Harper called the first special session of the House of Representatives of the 52nd Legislature to order at 10:00 a.m.

COMMUNICATIONS AND PETITIONS

GOVERNOR'S CALL TO CONVENE THE FIFTY-SECOND MONTANA LEGISLATURE INTO SPECIAL SESSION

TO: Members of the Montana State Senate
Members of the Montana House of Representatives
Members of the Montana Supreme Court
Montana Elected Officials

By the power vested in me in Section 6, Article V and Section 11, Article VI of the Montana Constitution and such other applicable laws, I hereby call the Montana Legislature to convene into special session, commencing at 10 a.m., Monday, January 6th, 1992.

I have determined that it is in the public interest that the legislature convene into special session. I hereby direct the Special Session of the Fifty-Second Montana Legislature to consider action that would:

1. Revise House Joint Resolution 24, passed and approved by the 52nd Montana Legislature, to update revenue estimates for the state general fund and school equalization account.

2. Amend House Bill 2, Chapter 815, Laws of Montana, 1991, and consider reductions in other appropriations for the purpose of balancing the state budget for the 1993 biennium and reducing the state's overall financial obligations. Consider legislation necessary to implement reductions in appropriations.

   This request excludes consideration of elementary and high school district 1993 biennium foundation programs and the school foundation payment schedules as provided by Sections 20-9-318, 20-9-319, and 20-9-320, MCA.

3. Consider transfer of various funds and the diversion of revenues from other funds to the general fund and/or school equalization account for the purpose of balancing the budget for the 1993 biennium.

4. Eliminate the authority of the Department of Revenue to establish and maintain state employee-operated liquor stores after June 30, 1993; converting approximately thirty (30) state-owned liquor stores to agency franchise operations; and diverting the 1993 biennium inventory investment and expenditure savings of this legislation to offset tuition increases on Montana's postsecondary education system which were imposed by the Board of Regents, scheduled to take effect January 1992.

5. Establish for tax years beginning after December 31, 1992, mandatory payment dates of April 15, June 15, September 15, and January 15 for the estimated state individual income tax. Any resulting difference in tax receipts between fiscal years as a result of this legislation shall be used to balance the state's budget for the 1993 biennium and not to increase the state's overall financial obligation.

6. Consider legislation to appropriate funds for expenditures directly related to the special session.

DATED this 11th day of December, 1991.

STAN STEPHENS
Governor

GOVERNOR'S CALL TO EXPAND THE SPECIAL SESSION OF THE FIFTY-SECOND MONTANA LEGISLATURE

TO: Members of the Montana State Senate
Members of the Montana House of Representatives
Members of the Montana Supreme Court
Montana Elected Officials

By the power vested in me in Section 6, Article V and Section 11, Article VI of the Montana Constitution and such other applicable laws, and having determined that it is in the public interest to do so, I hereby request the Special Session of the Fifty-Second Montana Legislature to consider action that would:

Address the problems, alternatives, and contingencies regarding the 1992 primary and general congressional elections that have arisen as a result of the State of Montana's lawsuit against the United States Department of Commerce and others for relief from the 1991 congressional apportionment that allocated only one Representative to the State of Montana in the United States House of Representatives for the 103rd United States Congress and that has been determined by a three-judge United States District Court for the District of Montana to be unconstitutional.

DATED this 3rd day of January, 1992.

STAN STEPHENS
Governor

Posting of the Colors was presented by Captain Collins and staff from the Montana National Guard. Pledge of Allegiance to the Flag.

Invocation by Reverend George Harper.

Roll call. All members present except Kilpatrick, excused. Quorum present.

Representative Driscoll moved that the officers, organization, and Joint Rules of the Fifty-Second Legislature adopted by the House of Representatives in regular session be the officers, organization, and Joint Rules of the House of Representatives for the First Special Session of the Fifty-Second Legislature with the following exceptions: Joint Rules 40-40(1), 40-50, 40-100, 40-150(1), 40-160(4) and (5), and 40-200 do not apply.

The following provisions in place of Joint Rules 40-160(4) and (5) are adopted:

"(4) A bill that has passed both houses of the Legislature by the last day of the special session may be:

(a) enrolled;
(b) clerically corrected by the presiding officers, if necessary;
(c) signed by the presiding officers; and
(d) delivered to the Governor not later than 5 working days after the last legislative day.
(5) All journal entries authorized under this rule must be entered on the journal for the last day of the special session."

Motion carried.

Representative Driscoll moved that the officers, organization, and House Rules of the Fifty-Second Legislature adopted by the House of Representatives in regular session be the officers, organization, and House Rules of the House of Representatives for the First Special Session of the Fifty-Second Legislature with the following exceptions: House Rules H40-10, H40-60, H40-140(3), and H40-190 do not apply.

Motion carried.

REPORTS OF STANDING COMMITTEES

Mr. Speaker, We, the Committee on Legislative Administration, recommend that the following attaches be hired by the House of Representatives for the first Special Session of the Fifty-Second Legislature.

CHIEF CLERK'S OFFICE

Chief Clerk - Joyce Andrus
Assistant Chief Clerk - B. J. Hoven
Secretary to Chief Clerk - Dick Hart
Journal Clerk - Kara Menahan
Bills Clerk - Karma Alfredson
Status Input Clerk - Barb Griffith
Amendments Coordinator - Bob Torres
Bills Coordinator - Mitch Crilly
Committee Secretaries - Sylvia Kinsey, Lois O'Connor, Mary Lou Schmitz, Theda Rossberg, Jeanne Krumm, Jo Lahti

Word Processor - Colleen Hansen
Committee Aide - Billie Jean Hill
Sergeant-at-Arms - Margaret Regan
Assistant Sergeant-at-Arms - Kim Schleicher
Assistant Sergeant-at-Arms/Bills Distribution - Brian Garrity
Security Guards - Harry Draper, Dennis McAlpin, Jim Abrahamson
Doorman - Jack McCarthy
Pages - Anneke Ayers, Jon Lindgren, Michele Frye, Shantel Beattie, J. Meredith, Barrett Adams
Secretary to Speaker - Kay Turman
Legislative Assistant to Speaker - Paul Tuss
Legislative Assistant to Majority - P. Russell (Russ) Brown
Secretary to Majority Leader - Pat Jacobson
Secretary to Minority Leader - Rosana Skelton
Legislative Assistant to Minority Leader - Susan Good
Permanent Page to Speaker - Kevin Phillips

Menahan, Chairman

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

HB 1, introduced by Bardanouve, referred to Committee on Appropriations
HB 2, introduced by Thoft, referred to Committee on Appropriations
HB 3, introduced by Thoft, referred to Committee on Appropriations
HB 4, introduced by Thoft, referred to Committee on Appropriations
HB 5, introduced by Thoft, referred to Committee on Appropriations
HB 6, introduced by Thoft, referred to Committee on Appropriations
HB 7, introduced by Thoft, referred to Committee on Appropriations
HB 8, introduced by Thoft, referred to Committee on Appropriations
HB 9, introduced by Thoft, referred to Committee on Appropriations
HB 10, introduced by Thoft, referred to Committee on Appropriations
HB 11, introduced by Bardanouve, referred to Committee on Appropriations

SPECIAL ORDERS OF THE DAY

A committee from the Senate composed of Senators Aklestad, Weeding, and Yellowtail were admitted and informed the House that the Senate was organized and ready for business.

Sergeant-at-Arms Regan escorted the Honorable Senate members into the House Chamber.

Mr. Speaker introduced President Mazurek and yielded the chair to him.

Senator Van Valkenburg moved the body resolve itself into a joint session for the purpose of receiving an address from the Honorable Stan Stephens, Governor of the State of Montana. Motion carried.

Senator Van Valkenburg moved President Mazurek be authorized to appoint a committee of four to notify the Governor that we are in joint session and are ready to receive his State of the State Address. Motion carried.

President Mazurek appointed Senators Jacobson and Nathe and Representatives Brooke and Wallin and discharged them to escort the Governor to the House Chamber.

The committee escorted His Excellency, Governor Stephens, and Senate Sergeant-at-Arms Carlson escorted members of the Governor's official party into the House Chamber.

Father Peoples gave the Invocation. The Pledge of Allegiance to the Flag followed.

President Mazurek introduced the Honorable Stan Stephens, Governor of the State of Montana, who then delivered the following address:

REMARKS OF GOVERNOR STAN STEPHENS
OPENING THE 1992 SPECIAL LEGISLATIVE SESSION
MONTANA HOUSE CHAMBERS, STATE CAPITOL BUILDING
JANUARY 6, 1992, 10:45 A.M.

ACKNOWLEDGEMENTS

I will not keep you long this morning. My remarks will be brief because you have important work ahead of you. Completing that work in a timely manner will be appreciated by the Montanans we are elected to serve.

Your mission over the next few days is very straightforward: bring the state's general fund spending into balance with the anticipated general fund revenues. Adjusting budgets is never easy, but accomplishing our mission can be done by scaling back the funding increases you provided state agencies in the regular session. With this type of action, virtually every state service...education, human services, institutions, natural resources and general government...will still be operating with increased funding over what was allocated for the last biennium. We need to do some belt tightening, but we do not need to disrupt the delivery of public services to Montanans.

To assist you in your task, state agencies have developed a blueprint for you to follow. It's a plan that balances the state's budget without increasing taxes...provides funding increases for state services...and addresses the state's cash flow needs over the biennium. It's a plan that does not deprive Montanans of needed and necessary services while taking into account the financial resources available.

This blueprint has been five months in the making. I cannot say enough about the cooperative efforts put forth by the men and women in our state agencies who have worked diligently to put this plan together. I commend them for their work and ask that every member of the House and

Senate give this blueprint serious, thoughtful and informed consideration. It deserves nothing less.

Montana is not alone in having to address spending reductions. Two-thirds of the states in this country are revising their budgets because of the effects of the national economy, lower interest rates, federal mandates and other factors. The silver lining for Montana is that our fiscal situation is more stable in comparison with other states. And, our solution does not require the draconian options faced by other states.

-- In Maine, state school aid is being cut and over 2,600 state employees will be laid off.

-- In Connecticut, more than 6% (3,600 of 55,000) of the state's workforce has been laid off.

-- In California, the administration has proposed a referendum to cut welfare grants by as much as 25%.

-- In Washington State, 1,100 state employees could be laid off, a 19% tuition increase is being recommended for university students, and over $30 million has been cut from the budget for schools.

-- In our neighbor Wyoming, a state pay freeze and $100 million in budget cuts are planned for this year and another 12% reduction in state spending is being planned for next year.

-- In Montana, we are addressing a $106 million budget deficit by implementing increased efficiencies within our agency operations, delaying new program start-ups, reducing general fund spending and making more efficient use of the nongeneral fund resources available to us. There are no massive layoffs, no pay freezes, no reductions in education funding or funding for any necessary state service. In fact, education funding is up 24%...human services funds are up 21%...our institutions have an 11% increase in their budgets. Let me repeat that the blueprint we are presenting to you balances Montana's budget by reducing the increases you as legislators provided state services in the last session. State support is more, not less, for these services and the budget increases are provided responsibly...<u>all this is done without increasing the tax burden on Montana's taxpayers</u>.

The fact that Montana's fiscal situation is better than many other states reflects well on your performance as Montana legislators. Yours is a superior track record and your counterparts in other states recognize that.

A word of caution. Special interest groups, whose voices are raised in every legislative session, will be in attendance to promote ever-increasing spending for their favored projects. They are the advocates of more spending and increased taxes for Montanans provided their cause receives the additional funds. Montanans whose taxes pay the costs of government <u>support reduced spending and oppose those who clamor for tax increases</u>.

Let us remember that among the western states, Montana is:

1. Second in per capita tax revenue;
2. Second [formerly first] in top marginal income tax rates;
3. Second in income taxes as a fraction of income;
4. Second in property taxes as a percentage of income.

Do heavy state taxes hurt jobs and economic growth? When a state taxes more than other states in the region, the answer is clearly "yes".

An important statement previously published in the Montana press bears repeating. In a detailed analysis of state tax policies, Stephen Moore of the Texas Public Policy Foundation made this conclusion: "Today the almost universal evidence indicates that the states' relative economic performance is intricately linked to their tax burdens. That research of the 1980s shows that low-tax states and states with declining tax burdens have created more jobs, have experienced faster income growth, and have attracted more new businesses than high tax states."

Moore concluded his analysis with this sweeping statement. "There is no such thing as a progrowth tax."

In balancing our budget in Montana the solution is less spending, not more taxes.

Let me touch briefly on a topic that is a top priority for Montanans and all of us here who are elected to represent the collective interest of Montanans. That topic is education.

The legislature should be aware that the Call for this Special Session was prepared in consultation with the legislative leaders of both parties. I have recommended that the State's school equalization payments to local school districts not be included in the consideration of spending reductions. In fact, about half of the budget actions we are recommending are being taken to ensure that Montana's public schools continue to receive the state funds previously appropriated.

In addition, one of the major actions you will be asked to approve is a program to eliminate the mid-year college tuition hike passed by the Board of Regents. This is a fairness issue for the students which can be addressed by demonstrating that education is clearly a priority service of government. We have a proposal which moves state government out of an area which is clearly not a needed and necessary government service...the retail sale of liquor. The private sector can and does handle that service very well. In our proposal, we will take the revenues realized from this change and invest it in an area which is a high priority for Montanans and an important government function...that's education.

Let me provide a brief history of Montana's continuing policy of creating privately operated agency liquor stores.

In 1975 under Governor Tom Judge, Montana owned and operated 138 liquor stores. Under authority granted by the legislature, the

administrations of Governor Judge and later Governor Schwinden reduced the number of state-owned stores to 40.

As private contractors took over the operation of these 98 stores the number of state employees were reduced from 337 to 125. Prior to 1989, there was no outcry that state workers were losing jobs, or that state policy privatizing state-owned stores was not in the public interest.

Today, Montana operates 30 state-owned outlets while 93 agency operations are serving the public very well.

To continue this policy by moving the state's 30 remaining state-owned liquor stores to agency status will not diminish revenues to the state or services to the public, but it will create a one-time influx of $4 million to eliminate the mid-year tuition increase. There will be ongoing savings for Montana's taxpayers as well. State employees in those stores will be given preferential treatment and provided options for their future career opportunities.

Under our proposal, agency stores will have the flexibility to serve the public with expanded hours. During busy periods such as the holiday season, there will be no requirement to close on Mondays, or state holidays, or to maintain 9-5 hours. The owner of the franchise will be free to establish hours in keeping with public demand. This change benefits the public and Montana's university students.

The future of Montana's University System is important to each and every one of us gathered here today. It's important to the future of Montana. That's why we've made the university system a priority in each of the budgets we've presented to this appropriating body. The system's priority position has not changed in the revised budget we are submitting to you in this special session.

We are asking the Board of Regents and the university system to reduce their general fund spending by $16 million. Even with this general fund reduction, the university system will still receive an additional $30 million or a 13% increase in general fund money compared with what it spent last biennium. The system will have an additional $77 million when one considers all funds. These amounts are substantial and demonstrate a strong commitment of support for our system of higher education.

Montana is one of the few states in the nation which has provided funding increases in excess of 10% for its colleges and universities this year. We are working to increase those financial resources even more through economic growth and creating new job opportunities for Montanans. As these efforts succeed, higher education benefits.

In addition to increased funding, the system is in need of structural change as well. That's not something for this special session to add to its agenda, it's something that requires a lengthier, more detailed review and approach. The Education Commission for the 90s and Beyond which I appointed recommended an ongoing review of higher education's needs and operations by a public advisory group. We will be working with the Board

of Regents, the Commissioner's Office, and legislative leaders to conduct this review. As Governor, I intend to take a leadership role in this endeavor.

Our university system can and should be the best in the West. A highly trained and educated workforce is essential toward attracting business and creating jobs for Montana. An outstanding university system, working in partnership with the private business sector is a vital and necessary component in our state's economic development. This can be accomplished over time by minimizing duplication, providing administrative efficiency and making the maximum use of new communications technology to meld our entire system of postsecondary education into a single, truly unified system. And it can be done without reducing the mission of a single unit in any of our communities.

This special session has evolved in a spirit of mutual cooperation between the legislative and executive branches. As an added example of this, we have expanded the session's call to address how Montana will handle our upcoming primary election in light of the state's lawsuit regarding the Census and Congressional Reapportionment. This is one of a number of bipartisan actions we've taken and I trust that spirit of cooperation will continue through sine die.

I want to express my appreciation to our four legislative leaders, Senate President Joe Mazurek and Minority Leader Bruce Crippen, and House Speaker Hal Harper and Minority Leader John Mercer, for the work they have performed in preparing for the session and to commend Appropriations Chairman, Francis Bardanouve, and Finance and Claims Chairman, Judy Jacobson, and the members of their respective committees, for the considerable work they have performed in scheduling important public hearings in advance of today's commencement of the full Assembly.

Together we have an opportunity to demonstrate to Montanans that at the top of this new year of 1992, we can resolve serious matters in a responsible bipartisan manner that will reflect credit on how state government should function.

The public will be monitoring our performance and passing judgment.

I wish you well in your deliberations.

The committee escorted Governor Stephens and the official party from the joint session.

Senator Van Valkenburg moved the joint session of the 52nd Legislature, First Special Session, be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

House resumed. Speaker Harper in the Chair.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 1:00 p.m., Tuesday, January 7, 1992. Motion carried.

House adjourned at 11:10 a.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

SECOND LEGISLATIVE DAY

Helena, Montana — House Chambers
January 7, 1992 — State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Reverend Stephen Brehe, Dean, St. Peter's Episcopal Cathedral. Pledge of Allegiance to the Flag.

Roll call. All members present except Galvin, Gilbert, Grady, Kilpatrick, Southworth, Steppler, Swysgood, and Thoft excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the first legislative day, find the same to be correct.

Menahan, Chairman

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/6/92
HB 1, introduced bill, be amended as follows:

1. Page 1, line 15.
Strike: "$271,556"
Insert: "$269,275"

2. Page 1, line 16.
Strike: "$146,466"
Insert: "$156,635"

3. Page 2, line 8.
Following: line 7
Insert: "NEW SECTION. Section 4. Office of budget and program planning appropriation. The following amount is appropriated from the general fund to the office of budget and program planning for preparation, printing, and distribution of fiscal information and for other expenses relating to the first special session of the 52nd legislature:

Office of Budget and Program Planning $6,111"

Renumber: subsequent section

And, as amended, do pass. Report adopted.

BILLS (Menahan, Chairman): 1/7/92
Correctly printed: HB 1.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Stang in the Chair.

Representatives Thoft and Swysgood present at this time.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 1 - Representative Driscoll moved HB 1, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 25 through page 2, line 7.
Strike: section 3 in its entirety
Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, J. Brown, Clark, Cobb, Cocchiarella, Cody, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gervais, Gilbert, Gould, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Spring, Squires, Stang, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wyatt, Mr. Speaker.
Total 89

Noes: Cohen, Measure, Wanzenried.
Total 3

Excused: D. Brown, Galvin, Grady, Kadas, Kilpatrick, Southworth, Steppler, Whalen, Zook.
Total 8

Absent or not voting: None.
Total 0

Representative Driscoll moved HB 1, second reading copy, be amended as follows (amendment #2):

1. Page 2, lines 8 through 14.
Strike: Section 4 in its entirety
Renumber: subsequent section

Amendment #2 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, J. Brown, Clark, Cocchiarella, Cody, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gervais, Gilbert, Gould, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet,

O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Spring, Squires, Stang, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Cobb, Cohen, Measure, Wanzenried.
Total 4

Excused: D. Brown, Galvin, Grady, Kadas, Kilpatrick, Southworth, Steppler, Whalen.
Total 8

Absent or not voting: None.
Total 0

Representative Bardanouve moved HB 1 do pass as amended. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellison, Fagg, Forrester, Foster, Gervais, Gilbert, Gould, Grinde, S. J. Hansen, H. S. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, Russell, Schye, Scott, Simpkins, Squires, Stang, Stickney, Strizich, Thoft, Thomas, Toole, Tunby, Wallin, Whalen, Zook, Mr. Speaker.
Total 76

Noes: Boharski, Clark, Cohen, R. DeBruycker, Ellis, Feland, M. Hanson, Kasten, Keller, Measure, Peck, Phillips, Spring, Swysgood, Wanzenried, Wyatt.
Total 16

Excused: Galvin, Grady, Kadas, Kilpatrick, Lee, S. Rice, Southworth, Steppler.
Total 8

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Stang moved the adoption of the committee report. Report adopted. (84-12)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellison, Fagg, Forrester, Foster, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, Russell, Schye, Scott, Simpkins, Squires, Stang, Steppler, Stickney, Strizich, Thoft, Thomas, Toole, Tunby, Wallin, Whalen, Zook, Mr. Speaker.
Total 80

Noes: Boharski, Clark, Cohen, R. DeBruycker, Ellis, Feland, M. Hanson, Kasten, Keller, Measure, Peck, Phillips, S. Rice, Spring, Swysgood, Wanzenried, Wyatt.
Total 17

Excused: Galvin, Kilpatrick, Southworth.
Total 3

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 1:00 p.m., Wednesday, January 8, 1992. Motion carried.

House adjourned at 1:20 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

THIRD LEGISLATIVE DAY

Helena, Montana
January 8, 1992

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Reverend Cliff Gronneberg of Bozeman. Pledge of Allegiance to the Flag.

Roll call. All members present except Bardanouve, Bradley, Cobb, Cody, Connelly, Dowell, Fagg, Gervais, Grady, Grinde, Johnson, Kadas, Kilpatrick, Kimberley, Knox, Measure, Menahan, Nisbet, Peck, Peterson, Quilici, Rice S., Scott, Southworth, Stang, Swysgood, Thoft, Toole, Zook, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Speaker Harper recognized Representative Foster who introduced the Belt Huskies Girls Basketball Class C State Champions along with Dennis Gerke, Head Coach, and Craig Cummings, Assistant Coach.

COMMUNICATIONS AND PETITIONS

January 8, 1992

Dear Governor Stephens, Senator Mazurek and Representative Harper:

A majority of legislators have petitioned for a special session of the Legislature to consider legislation to consider a statutory referendum to authorize financing of local government infrastructure projects by using coal severance tax funds.

The petition calls for the special session to run concurrently with the special session beginning January 6, 1992, called by the Governor.

In accordance with section 5-3-101, MCA, the petition has been filed, the signatures on the petition have been checked and the petition has been certified as meeting the requirements to call a special session.

A certified copy of the petition is attached. Please feel free to contact me if you have any questions about this process.

Sincerely,

Mike Cooney
Secretary of State

UNITED STATES OF AMERICA)
) ss
State of Montana)

I, MIKE COONEY, Secretary of State of the State of Montana, do hereby certify that the attached petition constitutes the signatures of 78 of the 150 members of the 52nd Legislature of the State of Montana, meeting the requirements of Section 5-3-101, Montana Code Annotated, and thus calling into Special Session the 52nd Legislature to meet at the time and place specified herein.

I further certify that this original petition was filed in my office on the 8th day of January, 1992, and a copy hereof forwarded to the Honorable Stan Stephens, Governor of the State of Montana; the Honorable Joe Mazurek, President of the Montana Senate, and the Honorable Hal Harper, Speaker of the House of Representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Capital, this 8th day of January, 1992.

MIKE COONEY
Secretary of State

PETITION OF THE FIFTY-SECOND LEGISLATURE FOR A CALL OF SPECIAL SESSION

WHEREAS, the state's infrastructure is in serious need of repair; and

WHEREAS, local governments do not have the financial capability to fund infrastructure repair; and

WHEREAS, Article V, section 6, of The Constitution of the State of Montana and section 5-3-101, MCA, provide that the Legislature may be convened in special session at the request of a majority of the members.

NOW, THEREFORE, WE THE UNDERSIGNED, being a majority of the members of the Fifty-Second Legislature, pursuant to Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, hereby convene the Fifty-Second Legislature into special session in Helena at the Capitol, to run concurrently with the special session beginning January 6, 1992, called by the Governor.

The special session hereby convened shall consider a statutory referendum to authorize the financing of local government infrastructure projects by using coal severance tax funds as a source of financing without spending the principal of the constitutional trust fund, provided that each project is specifically approved by the Legislature.

Members of the Fifty-Second Legislature:

Representatives

Driscoll
Harper
Nisbet
Stang
Strizich
L. Nelson
Hansen
Cohen
O'Keefe
Peck
Raney
Elliott
S. Rice
Darko
J. Brown
Stickney
Kadas
Squires
Schye

Connelly
J. Johnson
Harrington
Scott
Cocchiarella
Beck
McCarthy
Wanzenried
Gervais
Dolezal
Wyatt
Daily
J. DeBruycker
Ream
Russell
Cromley
Pavlovich
Madison
Toole
Forrester
Whalen
Larson
Quilici
Becker
Kimberley
Barnhart
Brooke
Menahan
D. Brown
Southworth
Galvin
McCulloch
Bachini
Bradley

Senators

Eck
Weeding
Fritz
Williams
Pinsoneault
Kennedy
Yellowtail
Bianchi
Rea
Hockett
Van Valkenburg
Jergeson
Towe
Blaylock
Halligan
Christiaens
Stimatz
Vaughn
Franklin
Doherty
Jacobson
Lynch
Svrcek
Mazurek
Pipinich

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/7/92
Correctly engrossed: HB 1.

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

HB 12, introduced by Connelly, referred to Committee on Appropriations
HB 13, introduced by Connelly, referred to Committee on Appropriations
HB 14, introduced by Gilbert, referred to Committee on Taxation
HJR 1, introduced by Gilbert, referred to Committee on Taxation

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 1:30 p.m., Thursday, January 9, 1992. Motion carried.

House adjourned at 1:15 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

FOURTH LEGISLATIVE DAY

Helena, Montana
January 9, 1992

House Chambers
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Stickney. Pledge of Allegiance to the Flag.

Roll call. All members present except Kilpatrick and Measure, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the first and second legislative days, find the same to be correct.

Menahan, Chairman

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/9/92
HB 2, introduced bill, be amended as follows:

(Refer to Introduced Bill)
Strike everything after the enacting clause and insert:

"Section 1. Chapter 815, Laws of 1991, is amended to read:

"Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 1991".

Section 2. Limit on personal services transfer -- exceptions. (1) Funds appropriated for personal services or indicated in legislative intent as having been appropriated for personal services may not be expended under any other category unless the approving authority approves a specific agency request for the 1993 biennium only, which request is justified either on the basis of documented cost savings or as specified in subsection (2). The approving authority shall submit its analysis of the cost savings to the legislative auditor, with wages and fringe benefits separately documented from other cost savings. The legislative audit committee shall review the approving authority's analysis and report to the 53rd legislature on the savings realized.

(2) If an agency is unable to recruit and hire professional positions funded in the appropriation, funds appropriated for personal services may be used to fund an agreement or contract to provide services that are identical to those services performed by an authorized position. The amount used for the agreement or contract may not be more than the amount authorized for the position less any personal services reduction. The agency director shall certify to the approving authority, as defined in ~~House Bill No. 454~~ 17-7-102, or his designated representative that the agency is unable to fill the position and that the services performed by that position are necessary.

Section 3. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 1993 biennium, are adopted as legislative intent.

Section 4. Reorganization. If any agency reorganizes during the 1993 biennium, the agency shall present for fiscal 1992 and fiscal 1993 by program:

(1) a restatement of the FTE records and financial records consistent with the reorganized structure; and

(2) a comparison of the original operating budget to the revised operating budget that reflects the reorganization. Reorganization means transfer of functions or five or more FTE from one program to another.

Section 5. Natural resources damage assessment repayment. In the natural resource damage assessment and litigation against the atlantic richfield company, the state shall seek repayment of any funds appropriated in [this act] that are expended by a state agency for the purpose of conducting the assessment and/or litigation. This repayment must include interest on the funds at a rate commensurate with rates earned in the short-term investment pool.

~~Section 6. Personal services reduction. The line item for "personal services reduction" reduces the agency's total personal services appropriations. Before [this act] is enrolled, the legislative fiscal analyst is directed to allocate the personal services reduction among programs within the agency. This allocation must be:~~

~~(1) made after all other amendments contained in this conference committee report have been made; and~~

~~(2) based upon the funding for all control variables within each program, excluding control variables that do not contain personal services.~~

Section ~~7~~ 6. Budget reduction. The line item for "budget reduction" reduces the agency's total general fund appropriation. The agency, with the approval of the approving authority as defined in ~~House Bill No. 454~~ 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

Section ~~8~~ 7. Vacant positions. If a budgeted position remains unfilled for more than 6 months, the position may be filled only after approval by the approving authority. The approving authority shall document in writing the justification and approval for filling each position that was vacant for more than 6 months and shall provide the documentation to the office of budget and program planning and to the office of the legislative fiscal analyst if requested. If a budgeted position remains unfilled for more than 1 year, the approving authority may not include the position in the budget request base for the executive budget request that will be presented to the 53rd legislature. The budget request presented to the 53rd legislature must include an analysis of vacant positions subject to the approval requirement in this section and must specifically identify those positions that remained unfilled for more than 1 year and are included in the budget request as modifications.

Section ~~9~~ 8. Employee training documentation. All agencies shall identify on the statewide budgeting and accounting system the costs of providing training to employees, including travel but not including the personal services costs for the employees being trained. In addition, agencies shall maintain statistics and information that disclose the days of training provided to employees, the number of employees who received training, and the type of training provided.

Section ~~10~~ 9. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, such decision does not affect the validity of the remaining portions of [this act].

Section ~~11~~ 10. Audit cost. Amounts appropriated for audits may be transferred between fiscal years. Agencies shall reserve enough cash in each fund to pay for audit costs and shall, to the maximum extent

allowable under federal regulations, charge audit costs to federal funds. The budget director shall increase the agency line item appropriations for legislative audits by amounts that total the amount appropriated for the 1993 biennium from the legislative auditor's special revenue fund for the purpose of state pay plan funding. The budget director shall allocate the amounts on the same basis that current line items for legislative audits in agency budgets are allocated in [this act].

Section ~~12~~ 11. Technical allocation costs. For agencies with internal cost allocation plans funded with proprietary revenues, the budget director shall adjust agency appropriations by amounts necessary to increase the budgets for indirect costs attributable to pay increases in an agency's indirect cost pool appropriated in the state pay plan bill. Funding for this appropriation consists of general fund money and other funds in an amount proportionate to the funding allocated for budgeting indirect cost assessments in [this act].

Section ~~13~~ 12. Account analysis. All agencies shall reexamine their proprietary accounts and designated subfunds and report to the legislative auditor's office after fiscal year 1992 the specific plans for spending the accounts, the monthly or daily account balances, and whether the accounts have adequate amounts of revenue and fund balances and the plans to reduce or add monies to the accounts.

Section ~~14~~ 13. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 14. Fund balance transfers and revenue estimate increases. The legislative auditor shall transfer to the general fund from state agency audit fees $22,159 in fiscal 1992. The legislative auditor shall transfer to the general fund from special audit reimbursements $10,200 in fiscal 1993. The legislative auditor shall work with agencies to ensure that $33,140 of bond assessment fees is deposited in the general fund in fiscal 1993.

The law library program in the judiciary is directed to increase fees for automated legal data base and telefax services. The program must deposit to the general fund $11,000 in fiscal 1992 and $26,000 in fiscal 1993 from such fee revenue increases.

The governor's office shall transfer to the general fund from the ARCO Clark Fork state special revenue account $28,000 in fiscal 1992.

The secretary of state is directed to raise annual corporation report fees by an amount sufficient to deposit an additional $150,000 in the general fund beginning in fiscal 1993.

The department of justice shall transfer to the general fund from the driver improvement fees state special revenue account $2,700 in fiscal 1993. The department of justice shall transfer to the general fund from the criminal lab state special revenue account $21,700 in fiscal 1993.

The department of administration shall transfer to the general fund from photocopy pool proprietary funds $46,000 each year of the biennium. The department of administration shall transfer to the general fund from computer services and telecommunications proprietary funds $100,000 in fiscal 1992.

The public employees' retirement division shall transfer to the general fund from social security contributions and interest earnings $120,547 in fiscal 1992 and $24,000 in fiscal 1993.

The department of military affairs shall transfer to the general fund from federal national guard funds $183,431 over the biennium. The

department of military affairs shall transfer to the general fund from federal contract reimbursements $40,000 over the biennium.

The department of social and rehabilitation services shall transfer to the general fund from the child support enforcement account all cash balance remaining at the end of fiscal 1992. Any cash balance in the account in excess of $500,000 at the end of fiscal 1993 must be deposited in the general fund. Upon final determination of all general fund money in the social and rehabilitation services department's unreconciled special revenue fund balance (in the approximate total amount of $2,530,153), any funds remaining in the special revenue fund to which the state is entitled must be deposited in the general fund.

There must be retained in the local impact account, established under 90-6-202, for the purpose of reverting to the state special revenue account for school equalization aid to public schools an amount not less than $500,000 in fiscal 1992 and $1,500,000 in fiscal 1993.

The department of corrections and human services shall transfer to the general fund from additional estimated insurance, medicaid, and medicare reimbursements $999,162 in fiscal 1992 and $792,870 in fiscal 1993. The department of corrections and human services shall transfer to the general fund from the additional fiscal 1990 cost settlement $1,050,012 in fiscal 1992.

Section 15. Effective date. [This act] is effective ~~July 1, 1991~~ on passage and approval.

Section 16. Appropriations. The following money is appropriated for the respective fiscal years:

Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
					A. GENERAL GOVERNMENT AND HIGHWAYS						
LEGISLATIVE AUDITOR (1101)											
1. Audit and Examination Program (01)											
~~1,154,114~~	1,108,855				~~2,262,969~~	~~1,149,890~~	1,104,805				~~2,254,703~~
1,075,633					2,184,488	1,146,687					2,251,492
a. Additional Audit Staff (Line Item)											
	117,631				117,631		117,376				117,376
b. Legislative Automation Plan (Line Item)											
6,401	6,151				12,552	12,706	12,208				24,914
c. Adjusted Cost Estimates (Line Item)											
12,476	11,987				24,463	4,040	3,883				7,923
d. Sunrise Application Evaluations (Line Item)											
							5,000				5,000
e. SB 264 -- Actuarial Evaluation (Line Item)											
	20,000				20,000						
f. Audits of School-Related Organizations (Line Item)											
	4,000				4,000						
g. Privatization Alternatives -- Additional Audit Staff (Line Item)											
24,837					24,837	24,778					24,778
h. New Audit Work -- Additional Audit Staff (Line Item)											
24,837					24,837	24,778					24,778
i. State Compensation Mutual Insurance Fund (Line Item)											
	24,837				24,837		24,778				24,778
2. Budget Reduction (Line Item)											
5,668					5,668	5,637					5,637
Total											
~~1,216,997~~	1,293,461				~~2,510,458~~	~~1,210,563~~	1,268,050				~~2,470,613~~
1,138,516					2,431,977	1,207,352					2,475,402
LEGISLATIVE FISCAL ANALYST (1102)											
1. Analysis and Review (01)											
~~820,738~~					~~820,738~~	~~877,121~~					~~877,121~~
781,974					781,974	830,965					830,965
a. Legislative Contingencies (Line Item)											
~~20,000~~					~~20,000~~						
18,700					18,700						
b. Legislative Requests (Line Item)											
~~20,000~~					~~20,000~~						
18,700					18,700						
2. Budget Reduction (Line Item)											
4,221					4,221	4,260					4,260
Total											
~~864,517~~					~~864,517~~	~~872,861~~					~~872,861~~
815,153					815,153	826,705					826,705
Items 1a and 1b are biennial appropriations.											
LEGISLATIVE COUNCIL (1104)											
1. Interim Studies and Conferences (05)											
~~469,407~~	12,000				~~481,407~~						

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	432,046					444,046						
2. Reimbursable Activities Program (07)												
		593,470				593,470		251,120				251,120
3. Legislative Council Operations (10)												
	~~1,342,917~~	458,726				~~1,801,643~~	~~1,876,200~~	254,363				~~2,130,563~~
	1,300,694					1,759,420	1,834,120					2,088,483
a. 1991 Base Pay Adjustment (Line Item)												
	34,161					34,161	~~30,349~~					~~30,349~~
							5,000					5,000
b. One Added FTE (Line Item)												
	23,865					23,865	~~27,179~~					~~27,179~~
							0					0
c. Reapportionment Technical Support (Line Item)												
	~~138,486~~					~~138,486~~	11,213					11,213
	103,486					103,486						
d. Legislative Computer Network (Line Item)												
	~~94,530~~					~~94,530~~	~~84,166~~					~~84,166~~
	69,530					69,530	70,166					70,166
4. Budget Reduction (Line Item)												
	10,918					10,918	9,852					9,852
Total												
	~~2,092,448~~	1,064,196				~~3,156,644~~	~~2,019,255~~	505,483				~~2,524,738~~
	1,952,864					3,017,060	1,910,647					2,416,130

Item 1 is a biennial appropriation. Individual activities are budgeted as follows:

Joint Interim Committees	$ 82,470
Statewide Issues	25,000
Districting and Apportionment Commission	43,000
Revenue Oversight Committee	37,983
Administrative Code Committee	14,048
Select Committee on Indian Affairs	7,200
Commission on Uniform State Laws	30,000
National Conference of State Legislatures	189,706
Northwest Economic Region Conference	20,000
Regional Conferences	32,000

Expenditure of funds for item 3d is contingent on approval by the joint legislative administration committee.

The legislative council may allocate money appropriated in item 1 among the individual activities listed above in order to complete work assigned by the legislature.

~~Contingent on passage and approval of House Joint Resolution No. 50~~, a A biennial appropriation not to exceed $30,000 from pension trust funds is made to the legislative council for the purpose of conducting an interim study on retirement systems. Of the total appropriation, 12.5% must be made from the teachers' retirement pension fund. The remaining 87.5% must be made from the various pension trust funds administered by the public employees' retirement board in proportion to the membership of each system.

The revenue oversight committee may use part of the appropriation provided in item 1 for the support of the activities of the coal tax oversight subcommittee.

ENVIRONMENTAL QUALITY COUNCIL (1111)

	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Environmental Quality Program (01)												
	~~271,083~~					~~271,083~~	~~268,865~~					~~268,865~~
	263,125	1,058				264,183	261,465					261,465
a. Additional Staff (Line Item)												
	15,800					15,800	15,800					15,800

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
2. Water Policy Committee (02)												
		~~26,451~~				~~26,451~~						
		25,393				25,393						
3. Budget Reduction (Line Item)												
	1,410					1,410	1,390					1,390
Total												
	~~285,473~~	26,451				~~311,924~~	~~283,275~~					~~283,275~~
	277,515					303,966	275,875					275,875
Item 2 is a biennial appropriation.												
CONSUMER COUNSEL (1112)												
1. Administration Program (01)												
		805,775				805,775		828,517				828,517
a. Contract Services (Line Item)												
		100,000				100,000		100,000				100,000
b. Increased Travel (Line Item)												
		6,607				6,607		6,591				6,591
Total												
		912,382				912,382		935,108				935,108
Item 1a is for expert witness fees for unanticipated cases.												
JUDICIARY (2110)												
1. Supreme Court Operations (01)												
	~~1,358,807~~					~~1,358,807~~	~~1,356,914~~					~~1,356,914~~
	1,305,273					1,305,273	1,302,950					1,302,950
a. Audit (Line Item)												
	15,626					15,626						
b. Court Automation (HB 320) (Line Item)												
	101,646					101,646	101,647					101,647
c. Law Clerk Parity (Line Item)												
	13,767					13,767	13,749					13,749
d. Clerk of Court Training (Line Item)												
	4,000					4,000	4,000					4,000
e. SB 228 -- Judicial Salary Increase (Line Item)												
	25,105					25,105	56,203					56,203
2. Boards and Commissions (02)												
	~~243,391~~					~~243,391~~	~~243,528~~					~~243,528~~
	230,936					230,936	230,921					230,921
a. Judicial Standards (Line Item)												
	2,445					2,445	2,445					2,445
3. Law Library (03)												
	~~551,730~~					~~551,730~~	~~551,001~~					~~551,001~~
	524,709					524,709	538,985					538,985
a. Automated Legal Data Bases (Line Item)												
	192,050					192,050	202,773					202,773
b. Law Book Inflation (Line Item)												
	10,556					10,556	9,265					9,265
4. District Court Operations (04)												
	2,534,319					2,534,319	2,527,692					2,527,692

Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. SB 228 -- Judicial Salary Increase (Line Item)											
125,348					125,348	289,212					289,212
b. 21st Judicial District Salary, Training, Travel (Line Item)											
						32,770					32,770
c. SB 228 -- Judicial Salary Increase (Line Item)											
						4,166					4,166
5. Water Courts Supervision (05)											
	~~489,161~~				~~489,161~~		475,084				475,084
	459,161				459,161						
a. Audit (Line Item)											
	1,736				1,736						
b. SB 228 -- Judicial Salary Increase (Line Item)											
	3,440				3,440		8,004				8,004
6. Clerk of Court (06)											
~~168,081~~					~~168,081~~	~~167,757~~					~~167,757~~
161,375					161,375	160,961					160,961
a. Salary Increase -- Deputy Clerk of Supreme Court (Line Item)											
3,323					3,323	3,323					3,323
7. District Court Criminal Reimbursement Program (07)											
2,682,579					2,682,579	2,806,573					2,806,573
a. Audit (Line Item)											
1,848					1,848						
8. Budget Reduction (Line Item)											
~~25,856~~					~~25,856~~	~~25,781~~					~~25,781~~
50,277					50,277	141,604					141,604
Total											
~~8,000,765~~	~~494,337~~				~~8,503,102~~	~~8,348,037~~	483,088				~~8,831,125~~
7,884,628	464,337				8,348,965	8,146,031					8,629,119

Except for $16,000 for law library use, expenditures in item 3a are limited to the amount of revenue collected from reimbursable automated legal data base usage by other entities.

~~Items 1e, 4a, and 5b are appropriated if Senate Bill No. 228 is passed and approved.~~

~~Item 4b is contingent on passage and approval of House Bill No. 934 and item 4c is contingent on passage and approval of both House Bill No. 934 and~~ Senate ~~Bill No. 228~~.

If revenue deposited to the general fund under the provisions of 61-3-509 is less than the appropriation for district court reimbursement, the supreme court administrator shall reduce the reimbursement to an amount equal to the revenue collected.

GOVERNOR'S OFFICE (3101)

1. Executive Office Program (01)											
~~1,016,303~~	~~78,221~~	1			~~1,094,525~~	~~1,017,335~~	~~78,186~~				~~1,095,521~~
982,796	83,221				1,066,018	978,859	83,186				1,062,045
a. Audit (Line Item)											
18,152					18,152						
2. Mansion Maintenance Program (02)											
~~59,098~~					~~59,098~~	~~59,051~~					~~59,051~~
53,922					53,922	54,639					54,639
3. Air Transportation Program (03)											
~~317,390~~					~~317,390~~	~~159,019~~					~~159,019~~
304,575	10,000				314,575	146,196	10,000				156,196
4. Office of Budget and Program Planning (04)											

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	~~798,110~~					~~798,110~~	~~829,424~~					~~829,424~~
	771,856					771,856	770,706					770,706
	a. Audit (Line Item)											
	17,362					17,362						
	~~b. NASBO 1992 National Meeting (Line Item)~~											
	~~5,000~~					~~5,000~~	~~5,000~~					~~5,000~~
	0					0	0					0
	~~c~~ b. Equipment Replacement (Line Item)											
	4,000					4,000						
5.	Northwest Regional Power Act (09)											
			403,124			403,124			402,853			402,853
6.	Lieutenant Governor (12)											
	~~170,798~~					~~170,798~~	~~170,604~~					~~170,604~~
	159,367	6,000				165,367	150,186	15,000				165,186
7.	Citizens' Advocate Office (16)											
	~~68,452~~					~~68,452~~	~~69,136~~					~~69,136~~
	53,030	15,000				68,030	53,715	15,000				68,715
8.	Mental Disabilities Board of Visitors (20)											
	~~134,685~~		47,037			~~181,722~~	~~134,743~~		47,037			~~181,780~~
	133,290					180,327	132,930					179,967
9.	Budget Reduction (Line Item)											
	~~13,029~~					~~13,029~~	~~12,256~~					~~12,256~~
	72,321					72,321	54,007					54,007
Total												
	~~2,596,321~~	~~78,221~~	450,162			~~3,124,704~~	~~2,432,856~~	~~78,186~~	449,890			~~2,960,932~~
	2,426,029	114,221				2,990,412	2,233,224	123,186				2,806,300

Public funds may not be used to support the governor's radio newsline, a telephone service providing recorded news briefs. The citizens' advocate office may not be eliminated.

SECRETARY OF STATE'S OFFICE (3201)

1.	Records Management Program (01)											
	876,288					876,288	876,789					876,789
	a. Audit (Line Item)											
	13,416					13,416						
	b. Printing Costs (Line Item)											
	19,924					19,924	58,962					58,962
	~~c. Microfilming Project (Line Item)~~											
	~~25,000~~					~~25,000~~	~~25,000~~					~~25,000~~
	0					0	0					0
	~~d. Fireproof Document Storage (Line Item)~~											
	~~45,000~~					~~45,000~~						
	0					0						
	~~e~~ c. SB 384 -- Primary Election for 2-Mill Levy (Line Item)											
	52,500					52,500						
2.	Administrative Code Program (03)											
		174,064				174,064		175,298				175,298
	a. Audit (Line Item)											
		2,368				2,368						
3.	State Agency Record Management (05)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
				331,332		331,332				332,856		332,856
4. Budget Reduction (Line Item)												
	4,845					4,845	4,751					4,751
Total												
	~~1,027,283~~	176,432		331,332		~~1,535,047~~	~~956,000~~	175,298		332,856		~~1,464,154~~
	957,283					1,465,047	931,000					1,439,154

~~If House Bill No. 897 is not enacted, the appropriation in item 3 is transferred to the department of administration.~~

COMMISSIONER OF POLITICAL PRACTICES (3202)

1. Administration (01)												
	111,249					111,249	113,562					113,562
a. Audit (Line Item)												
	2,526					2,526						
b. Part-Time Assistant (Line Item)												
	10,406					10,406						
c. Staff Termination Pay (Line Item)												
	1,150					1,150	550					550
d. Legal Fees and Court Costs (Line Item)												
	~~45,000~~					~~45,000~~						
	27,844					27,844						
2. Budget Reduction (Line Item)												
	627					627	591					591
Total												
	~~169,704~~					~~169,704~~	113,521					113,521
	152,548					152,548						

Items 1b and 1d are biennial appropriations.

The commissioner of political practices may use funds from the biennial appropriation identified in item 1b for a 0.5 FTE part-time assistant to meet the biennial budget reduction of $17,156.

The commissioner of political practices is to charge a fee for the Campaign Finance Report book that is sufficient to recover the costs of printing and distribution of the book. Public libraries are exempt from the charge for the book. The proceeds from the sale of the book, as well as the fees collected for reimbursement of copier charges, must be deposited in the general fund.

STATE AUDITOR'S OFFICE (3401)

1. Central Management (01)												
	~~237,063~~					~~237,063~~	~~237,103~~					~~237,103~~
	236,418					236,418	226,850					226,850
a. Audit (Line Item)												
	5,048					5,048						
b. Computer System Replacement (Line Item)												
	97,930					97,930	~~52,070~~					~~52,070~~
							41,656					41,656
2. State Payroll (02)												
	~~199,363~~	194,227				~~393,590~~	~~184,690~~	209,540				~~394,230~~
	195,109					389,336	176,690					386,230
a. Audit (Line Item)												
	33,461					33,461						
b. Payroll System Data Processing -- ISD (Line Item)												
		160,218				160,218		144,394				144,394
3. Insurance Program (03)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
	~~963,525~~					~~963,525~~	~~963,351~~					~~963,351~~
	917,308					917,308	868,897	41,850				910,747
a.		Audit (Line Item)										
	5,050					5,050						
b.		Medicare Compliance Specialist (Line Item)										
	29,354					29,354	27,304					27,304
c.		Office Equipment (Line Item)										
	~~5,420~~					~~5,420~~	1,495					1,495
	998					998						
4.	Securities Program (04)											
	~~288,501~~					~~288,501~~	~~288,316~~					~~288,316~~
	284,001					284,001	281,587					281,587
a.		Audit (Line Item)										
	5,050					5,050						
b.		Office Equipment (Line Item)										
	~~4,300~~					~~4,300~~						
	140					140						
5.	Fiscal Control and Management Program (10)											
	~~308,393~~	146,999		149,562		~~604,954~~	~~308,050~~	146,832		136,588		~~591,470~~
	303,591					600,152	300,050					583,470
a.		Audit (Line Item)										
	33,467					33,467						
b.		Warrant System Data Processing -- ISD (Line Item)										
	99,268					99,268	89,464					89,464
6.	Budget Reduction (Line Item)											
	~~11,779~~					~~11,779~~	~~10,759~~					~~10,759~~
	63,036					63,036	29,932					29,932
Total												
	~~2,303,414~~	501,444		149,562		~~2,954,420~~	~~2,141,084~~	~~500,766~~		136,588		~~2,778,438~~
	2,183,157					2,834,163	1,984,061	542,616				2,663,265

The appropriation in item 1b is for a computer system. The agency shall follow the system design recommendations approved by the information services division of the department of administration.

The state auditor shall implement a fee system for the purpose of recovering the operational cost of issuing warrants from all user agencies on an equitable basis. It is intended that, beginning in fiscal 1994, the general fund must be reimbursed for services provided to user agencies that are not funded entirely by the general fund. Revenues collected as reimbursement fees from user agencies for costs of issuing state warrants must be deposited in a state special revenue account. The state auditor shall submit the cost recovery plan and the 1995 biennium fee schedule by agency to the office of budget and program planning and to the legislative fiscal analyst by June 1, 1992.

CRIME CONTROL DIVISION (4107)

1.	Justice System Support Service (01)											
	~~442,801~~	58,665	166,462			~~667,928~~	~~442,958~~	58,665	156,462			~~658,085~~
	402,254					627,381	429,558					644,685
a.		Audit (Line Item)										
	5,176					5,176						
b.		Crime Victims' Compensation Pass-Through Grants (Line Item)										
		379,920				379,920		379,920				379,920
c.		Juvenile Justice Pass-Through Grants (Line Item)										
			221,500			221,500			221,500			221,500
d.		Victims' Assistance Pass-Through Grants (Line Item)										

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			224,000			224,000			224,000			224,000
e.	Drug Education Pass-Through Grants (Line Item)											
			427,000			427,000			427,000			427,000
f.	Drug Enforcement Pass-Through Grants (Line Item)											
			1,240,000			1,240,000			1,250,000			1,250,000
g.	Narcotics Control -- Grant Administration (Line Item)											
	27,000		18,101			45,101	~~54,000~~		~~1,102~~			55,102
							24,427		30,675			
h.	Drug Enforcement Pass-Through Grants (Modified) (Line Item)											
			904,000			904,000			921,000			921,000
i.	Juvenile Justice -- Support Services (Line Item)											
	7,500					7,500	7,500					7,500
j.	Victims' Assistance -- Grant Administration (Line Item)											
		29,116				29,116		25,985				25,985
k.	Victims' Assistance Pass-Through Grants (Modified) (Line Item)											
			109,000			109,000			109,000			109,000
l.	Drug Education -- Grant Administration (Line Item)											
			11,720			11,720			11,720			11,720
m.	Drug Education Pass-Through Grants (Modified) (Line Item)											
			115,218			115,218			115,218			115,218
n.	SB 321 -- Victim of DUI Offenders (Line Item)											
		73,038				73,038		72,538				72,538
o.	SB 370 -- D.A.R.E. Program (Line Item)											
		16,200				16,200		16,200				16,200
p.	SB 379 -- Probation and Parole Officer Standards (Line Item)											
	6,579					6,579	100					100
2.	Budget Reduction (Line Item)											
	2,412					2,412	2,522					2,522
Total												
	~~486,644~~	556,939	3,437,001			~~4,480,584~~	~~502,036~~	553,308	~~3,437,002~~			~~4,492,346~~
	446,097					4,440,037	459,063		3,466,575			4,478,946

Items 1b through 1f, 1h, 1k, and 1m are biennial appropriations.

~~Item 1o is contingent on passage and approval of Senate Bill No. 370.~~

~~Item 1p is contingent on passage and approval of Senate Bill No. 379.~~

All remaining federal pass-through grant appropriation authority for the 1991 biennium is authorized to continue into fiscal 1992 and fiscal 1993.

The board of crime control shall charge tuition and fees sufficient to reimburse the general fund for costs associated with the juvenile justice training program and for technical assistance provided to local law enforcement agencies. The tuition and fees collected must be deposited in the general fund.

HIGHWAY TRAFFIC SAFETY (4108)

1.	Highway Traffic Safety Division (36)											
	~~200,000~~	74,087	904,614			~~1,178,701~~	~~200,000~~	74,686	903,504			~~1,178,190~~
	184,080					1,162,781	184,080					1,162,270
	a. Audit (Line Item)											
		1,013	1,013			2,026						
2.	Budget Reduction (Line Item)											
	1,000					1,000	1,000					1,000
Total												
	~~199,000~~	75,100	905,627			~~1,179,727~~	~~199,000~~	74,686	903,504			~~1,177,190~~

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	183,080					1,163,807	183,080					1,161,270
DEPARTMENT OF JUSTICE (4110)												
1. Legal Services Division (01)	845,681	311,771	1			1,157,451	938,193	212,972				1,151,165
a. Case-Related Travel (Line Item)	9,500					9,500	9,500					9,500
b. Legal Fees and Expert Witnesses (Line Item)	100,000					100,000						
c. Attorney-Indian Legal Jurisdiction (Line Item)	47,837					47,837	43,239					43,239
d. Litigation Costs (Line Item)	400,000					400,000						
2. Agency Legal Services (06)				571,894		571,894				571,855		571,855
3. Gambling Control Division (07)		1,387,007				1,387,007		1,386,606				1,386,606
a. Gambling Control Expansion (Line Item)		305,785				305,785		207,001				207,001
4. Motor Vehicle Division (12)	~~4,619,289~~	124,254	48,538			~~4,792,081~~	4,641,381	85,419	48,534			4,775,334
	4,331,014					4,503,806						
a. HB 646 -- Additional Handicap Parking Display Cards (Line Item)	15,000					15,000	2,500					2,500
b. HB 568 -- Driver's License Express Stations (Line Item)	708,000					708,000	710,000					710,000
5. Highway Patrol Division (13)		10,800,052	486,937			11,286,989		10,658,603	485,011			11,143,614
a. Additional Patrol Officers and Dispatchers (Line Item)		302,290				302,290		211,109				211,109
b. Handheld Radios (Line Item)		51,000				51,000						
6. Law Enforcement Services Division (18)	902,303	348,539	21,196			1,272,038	881,303	327,085	31,044			1,239,432
a. Special Investigation -- West (Line Item)	~~121,327~~		336,898			~~458,225~~	~~458,199~~					458,199
	112,942					449,840	114,550		343,649			
b. Fire Prevention Grant (Line Item)			9,976			9,976						
c. Identification Bureau Federal Grant (Line Item)			88,636			88,636			88,643			88,643
d. HB 809 -- Fire Marshal Bureau Expansion (Line Item)	~~159,667~~					~~159,667~~	~~163,000~~					~~163,000~~
	69,000					69,000	126,624					126,624
7. County Attorney Payroll (19)	1,014,148					1,014,148	1,015,435					1,015,435
a. HB 155 -- County Attorney Salary Increase (Line Item)	136,000					136,000	333,000					333,000
8. Law Enforcement Academy Division (22)	607,208					607,208	606,858					606,858

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
9. Central Services Division (28)	167,823	196,198		9,334		373,355	169,654	196,952		9,401		376,007
a. Audit (Line Item)	16,628	19,440		925		36,993						
10. Data Processing Division (29)	651,393	240,969				892,362	645,373	246,847				892,220
a. Data Processing Air Conditioner (Line Item)	45,000					45,000	4,400					4,400
11. Extradition and Transportation of Prisoners (30)	~~193,648~~					~~193,648~~	~~193,640~~					~~193,640~~
	143,648					143,648	143,640					143,640
12. Forensic Science Division (32)	930,630	243,667				1,174,297	864,061	226,237				1,090,298
13. Budget Reduction (Line Item)	55,436					55,436	54,015					54,015
Total	~~11,635,646~~	14,330,972	992,180	582,153		~~27,540,951~~	~~11,625,721~~	13,758,831	~~653,232~~	581,256		~~26,619,040~~
	11,198,319					27,103,624	11,195,696		996,881			26,532,664

Items 1b and 1d are biennial appropriations.

The legislature recognizes that costs associated with the Crow coal case, water rights, and tribal litigation may exceed the appropriation in item 1, and in that event, the department will need to request a supplemental appropriation from the 1993 legislature to adequately represent the state.

~~Item 4b is contingent on passage and approval of House Bill No. 568.~~

If federal ~~or other~~ funds ~~can be~~ are not obtained for item 6a in fiscal 1993, ~~the federal or other funds must replace~~ the general fund appropriation ~~in item 6a and the general fund appropriation~~, as amended by [this act], must be ~~reduced by the amount of~~ increased and the federal ~~or other funds received. The total appropriation contained in item 6a may not be increased~~ appropriation, as amended by [this act], must be decreased by the same amount.

~~Item 6d is contingent on passage and approval of House Bill No. 809.~~

~~Item 7a is contingent on passage and approval of House Bill No. 155.~~ In the event that a pay plan bill is passed and approved that includes salary increases for county attorneys, item 7a must be reduced by the amount included in the pay plan bill for county attorney salaries.

DEPARTMENT OF HIGHWAYS TRANSPORTATION (5401)

1. General Operations Program (01)	6,534,444	1,988,234				8,522,678		6,311,881	1,986,661			8,298,542
a. Audit (Line Item)	71,028					71,028						
b. Road Reporting System (Line Item)	12,750					12,750		13,630				13,630
c. Map Digitizing (Line Item)	120,000					120,000		120,000				120,000
d. Kalispell Bypass Study (Line Item)			150,000			150,000						
e. SB 164 -- Department of Transportation Organization Costs (Line Item)	105,128					105,128		30,061				30,061
2. Construction Program (02)	63,254,325	142,709,034				205,963,359		66,640,533	144,241,767			210,882,300
a. City Park Rest Areas (Line Item)	200,000					200,000		200,000				200,000
3. Maintenance Program (03)	46,944,095					46,944,095		46,728,864				46,728,864
a. Monitoring/Upgrading Underground Fuel Tanks (Line Item)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		1,109,800				1,109,800		1,109,800				1,109,800
4. State Motor Pool (07)				748,341		748,341				594,076		594,076
5. Equipment Program (08)				13,390,277		13,390,277				13,249,710		13,249,710
6. Interfund Transfers Program (11)		14,208,404				14,208,404		17,149,771				17,149,771
7. Stores Inventory (12)		15,460,726				15,460,726		14,901,886				14,901,886
8. Gross Vehicle Weight Division (22)		3,540,044				3,540,044		3,637,061				3,637,061
a. Automated Weigh Stations (Line Item)		243,820				243,820		68,700				68,700
b. Gross Vehicle Weight Officer Training (Line Item)		30,165				30,165		25,165				25,165
Total	151,834,729	144,847,268		14,138,618		310,820,615	156,937,352	146,228,428		13,843,786		317,009,566

The department is directed to submit to the 1993 legislature a construction work plan for the 1995 biennium that is detailed by year and project. This work plan must specify, by road system or project area, proposed projects on which $1 million or more would be spent during the 1995 biennium and an aggregate cost for projects with anticipated expenditures of less than $1 million. Costs must be detailed by year and project.

The department may adjust appropriations and FTE in the construction, interfund transfers, and maintenance programs between fiscal years to reflect actual expenditures related to the construction work plan and maintenance activities.

The department may adjust appropriations in the construction program between fund types, provided that the adjustment does not exceed 10% of the total appropriation established by the legislature for the construction program. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning, and all fund transfers of over $1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

The department is directed to conduct a cost responsibility study to determine the appropriate ratio of highway user fees based on road wear caused by each type of user. The department shall provide a report of study results and a recommended fee structure to the legislative finance committee by June 1, 1992.

DEPARTMENT OF REVENUE (5801)

	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Director's Office (01)												
	~~809,347~~		168,644	428,424		~~1,406,415~~	~~815,409~~		168,425	428,716		~~1,412,550~~
	733,247					1,330,315	741,509					1,338,650
a. Audit (Line Item)	32,474	1,563		89,079		123,116						
2. Centralized Services Division (02)												
	~~770,656~~	8,607				~~787,263~~	~~775,416~~	8,589				~~784,005~~
	706,656					715,263	700,416					709,005
3. Data Processing Division (03)												
	~~970,323~~	~~43,525~~		450,445		~~1,464,293~~	~~965,910~~	43,428		451,108		~~1,460,446~~
	880,323	53,525				1,384,293	875,910					1,370,446
a. Workers' Compensation Payroll Tax (Line Item)		39,887				39,887		34,165				34,165
4. Liquor Division (05)												
a. Liquor Licensing Bureau (Line Item)				249,743		249,743				249,656		249,656
5. Income Tax (06)												
	~~3,340,123~~	286,506				~~3,634,629~~	~~3,299,224~~	293,880				~~3,593,104~~
	3,315,923					3,602,429	3,162,629					3,456,509

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Workers' Compensation Payroll Tax (Line Item)		91,992				91,992		75,074				75,074
b. Accounts Receivable (Line Item)	91,931					91,931	78,141					78,141
c. Equipment Replacement (Line Item)	66,389					66,389	27,614					27,614
d. Computer Processing Costs (Line Item)	98,384					98,384	72,417					72,417
e. Revenue Collection (Line Item)	91,713					91,713	78,723					78,723
6. Corporation Tax (07)	~~1,122,194~~ 1,224,148	63,186	129,145			~~1,314,525~~ 1,416,479	~~1,124,159~~ 1,238,282	63,193	129,156			~~1,316,508~~ 1,430,631
7. Property Tax Division (08)												
a. Elected and Deputy Assessors	1,649,662					1,649,662	1,651,923					1,651,923
b. Appraisers and Other Assessors	6,558,578					6,558,578	6,557,512					6,557,512
c. Property Assessment Program	2,956,963					2,956,963	2,956,882					2,956,882
d. Cyclical Reappraisal Costs (Line Item)	22,000					22,000	249,000					249,000
e. Computer-Assisted Mass Appraisal System (CAMAS) Costs (Line Item)	333,281					333,281	276,281					276,281
8. Motor Fuel Tax (10)		620,119				620,119		617,287				617,287
9. Budget Reduction (Line Item)	94,138					94,138	94,195					94,195
Total	~~18,035,080~~ 18,667,534	~~1,155,385~~ 1,165,385	297,789	1,217,691		~~21,506,745~~ 21,348,399	~~18,834,416~~ 18,573,044	1,135,616	297,581	1,129,480		~~21,397,093~~ 21,135,721

Liquor division proprietary funds necessary to maintain adequate inventories of liquor and wine and to operate the state liquor operation are appropriated. During the 1993 biennium, the division shall attempt to return at least 10% of net sales. Net sales are gross sales less discounts and all taxes collected. The division shall limit operational expenses of the liquor merchandising system to not more than 15% of the net sales. Operational expenses may not include product costs, freight charges, expenses allocable to other divisions, or licensing bureau expenses.

Funds appropriated in item 7e may be used only for consulting contracts to support CAMAS or to support appraisers' use of CAMAS, for debt service costs to fund equipment acquisition, and for computer maintenance contracts.

DEPARTMENT OF ADMINISTRATION (6101)

1. Director's Office (01)	~~232,354~~ 230,097			61,572		~~293,926~~ 291,669	229,139			60,818		289,957
2. Accounting Program (03)	~~1,020,966~~ 998,836			29,350		~~1,050,336~~ 1,028,186	~~1,005,187~~ 989,477			29,297		~~1,034,484~~ 1,018,774
a. Audit (Line Item)	38,771					38,771						
3. Architecture and Engineering Program (04)		672,098			664,006	1,336,104		682,019			672,552	1,354,571

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Audit (Line Item)		1,370				1,370						
b. Capitol Restoration Commission (Line Item)		11,634				11,634		11,634				11,634
c. Expanded Long-Range Building Plan (Line Item)		51,242			51,242	102,484		53,670			53,670	107,340
4. Procurement and Printing Division (06)												
	420,824			6,111,843		~~6,532,667~~	~~421,166~~			6,380,662		~~6,801,828~~
	408,724					6,520,567	412,625					6,793,287
a. Audit (Line Item)				19,788		19,788						
b. Pass-Through Printing (Line Item)				3,412,515		3,412,515				3,543,765		3,543,765
c. Federal Surplus Property (Line Item)				87,000		87,000				87,000		87,000
5. Information Services Division (07)												
a. Audit (Line Item)				58,140		58,140						
b. Contracted Systems Development (Line Item)				200,000		200,000						
c. Computer Services				7,982,061		7,982,061				8,193,261		8,193,261
d. Telecommunications				8,385,973		8,385,973				7,924,699		7,924,699
e. Emergency 911				75,567		75,567				76,712		76,712
f. Armory Computer Upgrade (Line Item)				75,000		75,000				75,000		75,000
g. Public Safety Communication (Line Item)				82,000		82,000				57,000		57,000
h. ISD -- Growth in Workload (Line Item)				500,000		500,000				500,000		500,000
i. ISD -- Networks (Line Item)				796,499		796,499				796,504		796,504
j. Mainframe Disaster Backup (Line Item)				179,000		179,000				144,000		144,000
k. Student Long Distance (Line Item)				323,768		323,768				323,771		323,771
l. Telephone System Upgrades (Line Item)				229,000		229,000				229,000		229,000
m. Family Services Computer System (Line Item)				78,200		78,200				93,200		93,200
6. General Services Program (08)												
	~~241,750~~			2,275,260	58,419	~~2,575,429~~	~~250,164~~			2,347,743	58,426	~~2,656,333~~
	211,750					2,545,429	220,164					2,626,333
a. Audit (Line Item)				7,672		7,672						
b. Utilities Cost (Line Item)	141,083			1,034,607		1,175,690	143,409			1,051,670		1,195,079

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
7. Mail and Distribution Bureau (13)				1,639,686		1,639,686				1,642,234		1,642,234
a. Audit (Line Item)				3,526		3,526						
b. Postage Machines (Line Item)				6,500		6,500				6,500		6,500
c. Expanded Mail Services (Line Item)				174,087		174,087				174,087		174,087
8. State Personnel Division (23)	~~922,039~~			~~500,037~~		~~1,422,076~~	~~917,491~~			~~502,944~~		~~1,420,435~~
	873,414			543,037		1,416,451	869,093			548,217		1,417,310
a. Audit (Line Item)				1,176		1,176						
b. Group Insurance Benefits System (Line Item)				36,500		36,500				21,500		21,500
c. State Employee Combined Campaign (Line Item)		10,000				10,000		10,000				10,000
d. Professional Development Center Growth in Workload (Line Item)				9,112		9,112				21,180		21,180
e. Communications for Group Insurance Requirements (Line Item)				8,000		8,000				8,000		8,000
f. Genetics Program (Line Item)				20,252		20,252				20,252		20,252
9. Tort Claims Division (24)				2,101,132		2,101,132				2,153,202		2,153,202
a. Audit (Line Item)				7,036		7,036						
b. Tort Claims -- Contracts (Line Item)				500,000		500,000				500,000		500,000
10. State Tax Appeal Board (37)	~~427,807~~					~~427,807~~	~~427,361~~					~~427,361~~
	374,783					374,783	375,073					375,073
11. Budget Reduction (Line Item)	~~17,277~~					~~17,277~~	~~17,043~~					~~17,043~~
	48,934					48,934	88,156					88,156
Total	~~3,428,337~~	746,344		~~37,011,859~~	773,667	~~41,960,207~~	~~3,376,874~~	757,323		~~36,964,001~~	784,648	~~41,882,846~~
	3,228,524			37,054,859		41,803,394	3,150,824			37,009,274		41,702,069

~~The deletion of the personal services reduction in state special revenue is contingent on passage and approval of House Bill~~ No. 5.

~~Item 3b is contingent on passage and approval of House Bill No.~~ 500.

~~Item 3c is contingent on passage and approval of House Bill No.~~ 5.

Item 5b is a biennial appropriation.

The governor-elect program is appropriated all necessary expenses, up to $50,000 from the general fund in fiscal 1993, to implement the provisions of 2-15-221.

~~Item 5m is contingent on passage and approval of House Bill No.~~ 569.

The department shall develop and submit a cost recovery plan for each of its proprietary operations to the office of budget and program planning and the legislative fiscal analyst by August 1, 1992.

Funds remaining in the capitol land grant account of the capital projects fund, after the appropriations are met for the general services division of the department of administration and any projects provided for in ~~House Bill No.~~ 5 Chapter 774, Laws of 1991, are appropriated to the long-range building debt service fund

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total

for the payment of principal and interest on bond issues for public buildings at the capitol for executive, legislative, and judicial purposes, as outlined in section 12 of The Enabling Act. This appropriation is for the biennium ending June 30, 1993, and is not to exceed the annual debt service required on these bonds.

The appropriation in item 6 in the other column includes $58,801 in fiscal 1992 and $58,801 in fiscal 1993 from the capital projects fund.

In item 6, the department may charge a maximum of $3.28 a square foot in fiscal 1992 and $3.34 a square foot in fiscal 1993 for office space in state-owned buildings.

Item 6b may be used only to pay utilities costs.

The department may charge a maximum overhead rate of 6% each year in item 7.

~~Item 8f is contingent on passage and approval of House Bill No. 696.~~

The department is appropriated funds to pay the deductible portion of each claim incurred and covered by a deductible insurance plan from the deductible reserve fund authorized in 2-9-202(2).

By July 15, 1992, the tort claims division shall present to the legislative finance committee proposed changes in the method or methods of determining and allocating insurance premiums to state agencies. The division shall review with the legislative finance committee the proposal and potential fiscal impacts before the rate methodology is adopted and before premiums are included in agency budget requests by the office of budget and program planning.

In item 9b, the department is authorized to hire 0.5 clerical FTE.

The public service commission is considering a proposal allowing large state natural gas customers to purchase their own supplies of gas directly from gas producers. Recognizing the likelihood of a changing natural gas procurement environment, the governor is authorized, if the proposal is approved by the commission, to designate a lead agency to implement a coordinated natural gas procurement program for affected state agencies and the university system.

STATE COMPENSATION MUTUAL INSURANCE FUND (6103)

1.	State Compensation Mutual Insurance Fund (01)										
		25,082	121,856,189		121,881,271				128,877,379		128,877,379
	a.	Audit (Line Item)									
				83,655	83,655						
	b.	Claims Management Program (Line Item)									
				912,563	912,563				910,494		910,494
	c.	Audit Bureau (Line Item)									
				304,304	304,304				303,699		303,699
	d.	HB 187 -- Construction Premiums (Line Item)									
				228,629	228,629				194,830		194,830
Total		25,082	123,385,340		123,410,422				130,286,402		130,286,402

~~Item 1d is contingent on passage and approval of House Bill No. 187.~~

PUBLIC EMPLOYEES' RETIREMENT BOARD (6104)

1.	Public Employees' Retirement Program (35)										
				837,589	837,589					816,990	816,990
	a.	Audit (Line Item)									
				36,303	36,303						
	b.	Public Employees' Retirement Division -- Rewrite Data Processing System (Line Item)									
				301,289	301,289					79,224	79,224
	c.	Program Improvements (Line Item)									
				50,387	50,387					56,952	56,952
Total				1,225,568	1,225,568					953,166	953,166

The amounts listed in items 1, 1a, 1b, and 1c are appropriated from the pension trust fund.

~~Contingent on passage and approval of House Bill No. 595, the~~ The board is appropriated $3,860 from pension trust funds in fiscal 1992 and $2,360 from pension trust funds in fiscal 1993.

~~Contingent on passage and approval of House Bill No. 711, the~~ The board is appropriated $5,000 from pension trust funds in fiscal 1992 and $5,000 from pension trust funds in fiscal 1993.

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
~~Contingent on passage and approval of Senate Bill No. 226, the~~ The board is appropriated $25,000 from pension trust funds in fiscal 1992 and $5,000 from pension trust funds in fiscal 1993.												
TEACHERS' RETIREMENT BOARD (6105)												
1. Teachers' Retirement Program (01)					469,647	469,647					461,222	461,222
a. Audit (Line Item)					23,676	23,676						
b. Data Processing and Service Upgrades (Line Item)					147,380	147,380					108,380	108,380
c. System Enhancements for Legislated Changes (Line Item)					25,000	25,000						
Total					665,703	665,703					569,602	569,602
The amounts listed in items 1, 1a, 1b, and 1c are appropriated from the pension trust fund. ~~Item 1c is contingent on passage and approval of Senate Bill No. 226.~~												
DEPARTMENT OF MILITARY AFFAIRS (6701)												
1. Administration Program (01)	217,838					217,838	~~217,991~~ 212,991					~~217,991~~ 212,991
a. Audit (Line Item)	5,920					5,920						
2. Army National Guard Program (12)	~~900,880~~ 895,780		1,108,021			~~2,008,901~~ 2,003,801	~~908,451~~ 855,851		~~1,116,411~~ 1,156,411			~~2,024,862~~ 2,012,262
a. Repair and Maintenance (Line Item)	~~186,000~~ 118,375					~~186,000~~ 118,375						
b. Environmental Program (Line Item)	9,275		41,099			50,374	9,228		40,833			50,061
3. Air National Guard Program (13)	180,429		1,402,315			1,582,744	182,313		1,411,460			1,593,773
a. Repair and Maintenance (Line Item)	14,000		42,000			56,000						
4. Disaster Coordination Response (21)	218,140		235,009			453,149	217,697		234,558			452,255
a. Audit (Line Item)	4,262		4,262			8,524						
5. Emergency Management Development (24)			263,904			263,904			263,572			263,572
a. Audit (Line Item)			3,314			3,314						
b. Earthquake Program (Line Item)			46,187			46,187			46,190			46,190
6. Local Reimbursement -- DES (29)			564,000			564,000			540,000			540,000
7. Veterans' Affairs Program (31)	468,438	9,672	35,557			513,667	468,162	9,669	35,456			513,287
a. Audit (Line Item)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
	5,918					5,918						
b. Veterans' Cemetery Construction (Line Item)												
		22,500				22,500		31,500	45,000			76,500
8. Budget Reduction (Line Item)												
	11,055					11,055	10,019					10,019
Total												
	~~2,200,045~~	32,172	3,745,668			~~5,977,885~~	~~1,993,823~~	41,169	~~3,733,480~~			~~5,768,472~~
	2,127,320					5,905,160	1,936,223		3,773,480			5,750,872

Items 2a and 3a are biennial appropriations.
In item 3, up to two firefighter FTE may be added if the current contract is modified or becomes unnecessary.
In item 5b, the department shall direct the earthquake program to local schools to the maximum extent possible.
~~Item 7b is contingent on passage and approval of House Bill No. 723.~~

TOTAL SECTION A											
~~55,350,474~~	~~173,303,647~~	154,675,695	~~176,816,555~~	2,664,938	~~562,811,309~~	~~54,909,322~~	~~177,204,264~~	~~155,703,117~~	~~183,274,369~~	2,307,416	~~573,398,480~~
53,638,567	173,319,647		176,859,555		561,158,402	53,126,346	177,291,114	156,116,339	183,319,642		572,160,857

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
B. HUMAN SERVICES												
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES (5301)												
1. Director's Office (01)												
	~~136,421~~		43,874	386,783		~~567,078~~	~~133,506~~		43,844	384,008		~~561,430~~
	127,926					558,583	125,091					552,943
a. Personnel Specialist (Line Item)												
				25,529		25,529				25,472		25,472
b. Legal Services Charge System (Line Item)												
	~~82,897~~					~~82,897~~	~~82,897~~					~~82,897~~
	76,265					76,265	76,265					76,265
2. Central Services (02)												
	~~575,412~~	~~825,063~~	213,254	785,266		2,398,995	~~562,660~~	~~779,045~~	211,795	786,845		2,340,353
	516,150	884,325					476,950	864,763				
a. Audit (Line Item)												
				53,666		53,666						
b. Laboratory Contingency (Line Item)												
		100,000				100,000						
c. Support Staff (Line Item)												
				46,922		46,922				46,818		46,818
d. Newborn Pku Screening (Line Item)												
		76,552				76,552		28,772				28,772
e. Safe Drinking Water -- Laboratory Certification (Line Item)												
		40,479				40,479		39,853				39,853
f. Safe Drinking Water -- Public Health Laboratory (Line Item)												
		39,847				39,847		39,306				39,306
3. Environmental Sciences (03)												
	~~899,129~~	~~1,341,069~~	728,237	145,559		~~3,113,994~~	~~891,306~~	~~1,340,240~~	715,549	142,903		~~3,089,998~~
	822,917	1,402,369				3,099,082	814,875	1,401,616				3,074,943
a. Air Quality (Line Item)												
		84,972	248,386			333,358		80,771	247,976			328,747
b. Asbestos Control (Line Item)												
		92,919				92,919		92,239				92,239
c. Natural Resources Lawsuit (Line Item)												
		4,908,049				4,908,049						
d. Air Quality -- Permits (Line Item)												
		301,338				301,338		297,979				297,979
e. Pay Exceptions -- Environmental Specialist (Line Item)												
		24,128	58,799			82,927		23,715	57,825			81,540
f. HB 987 -- Regulation of Public Accommodations (Line Item)												
		10,125				10,125		10,125				10,125
g. HB 988 -- Regulation of Campgrounds, Trailer Courts, Etc. (Line Item)												
		15,750				15,750		15,750				15,750
h. HB 989 -- Regulation of Food Establishments (Line Item)												
		165,000				165,000		165,000				165,000
i. HB 994 -- Regulation of Swimming Pools (Line Item)												
		76,500				76,500		76,500				76,500
4. Solid and Hazardous Waste (04)												
	~~185,149~~	~~2,253,395~~	7,504,734			9,943,278	~~183,227~~	~~2,264,333~~	7,483,177			9,930,737
	168,716	2,269,828					166,794	2,280,766				

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
a. Hazardous Waste (Line Item)		48,628	147,306			195,934		47,823	144,889			192,712
b. Landfill Management (Line Item)		138,367				138,367		136,501				136,501
c. Landfill Management -- EQC (Line Item)		297,066				297,066		298,376				298,376
d. BN/ARCO Special Projects (Line Item)		312,348				312,348		308,898				308,898
e. Pay Exceptions -- Environmental Specialist (Line Item)	13,725	125,490	99,973			239,188	13,491	124,583	98,317			236,391
f. Exemption for Noncommercial Waste -- HB 660 (Line Item)		95,008				95,008		95,008				95,008
5. Water Quality (05)	~~169,562~~	521,550	2,079,210			~~2,770,322~~	~~167,493~~	516,550	2,057,121			~~2,741,164~~
	160,280					2,761,040	158,211					2,731,882
a. Agriculture Monitoring (Line Item)		15,000				15,000		15,000				15,000
b. Ground Water Pollution (Line Item)			112,373			112,373			111,203			111,203
c. Wastewater Operators (Line Item)		10,787				10,787		8,901				8,901
d. Subdivisions (Line Item)	44,386					44,386	40,213					40,213
e. Safe Drinking Water (Line Item)		625,017	303,823			928,840		622,756	302,363			925,119
f. Nonpoint Source Pollution (Line Item)			1,423,271			1,423,271			1,422,188			1,422,188
g. Ground Water -- EQC (Line Item)		101,494				101,494		99,903				99,903
h. Ground Water -- EQC Lawyer (Line Item)			46,378			46,378			45,590			45,590
i. Pay Exceptions -- Environmental Specialist (Line Item)	~~7,647~~	42,983	75,215			~~125,845~~	~~7,516~~	45,023	73,969			~~126,508~~
	7,036					125,234	6,436					125,428
j. SB 136 -- Water Quality Districts (Line Item)		18,539				18,539		18,504				18,504
6. Health Services and Medical Facilities (06)	~~476,282~~	45,753	230,678			~~752,713~~	469,155	45,455	231,110			745,720
	474,831					751,262						
a. HB 445 -- Health Planning Specialist (Line Item)	16,289					16,289	16,251					16,251
7. Family/Maternal and Child Health Bureau (07)	~~101,985~~		15,082,316			~~15,184,301~~	~~101,272~~		14,859,001			~~14,960,273~~
	97,985					15,180,301	97,272					14,956,273
a. Child Nutrition (Line Item)			1,634,000			1,634,000			2,642,000			2,642,000
b. WIC (Line Item)			1,122,486			1,122,486			1,122,486			1,122,486
c. MIAMI Program (Line Item)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	171,468					171,468	169,608					169,608
8. Preventive Health Bureau (08)												
	~~217,576~~	60,020	1,120,301			~~1,397,897~~	~~216,795~~	65,874	1,111,683			~~1,394,352~~
	199,076					1,379,397	91,795					1,269,352
a. Chronic Disease Prevention (Line Item)												
			40,054			40,054			39,850			39,850
b. AIDS Education (Line Item)												
			20,000			20,000			20,000			20,000
c. Sexually Transmitted Diseases (Line Item)												
			79,556			79,556			78,656			78,656
d. AIDS (Line Item)												
			33,583			33,583			32,751			32,751
e. Vaccine (Line Item)												
			103,540			103,540			101,774			101,774
9. Licensing and Certification (09)												
	~~450,760~~		912,381			~~1,363,141~~	~~466,089~~		876,281			~~1,342,370~~
	371,607					1,283,988	407,528					1,283,809
a. OBRA (Line Item)												
	47,681		802,065			849,746	64,101		724,616			788,717
b. Hearings -- OBRA (Line Item)												
	10,275		126,727			137,002	13,700		123,302			137,002
Total												
	~~3,606,644~~	~~12,813,236~~	34,392,520	1,443,725		~~52,256,125~~	~~3,599,368~~	~~7,702,783~~	34,979,316	1,386,046		~~47,667,513~~
	3,326,613	12,950,231				52,113,089	3,207,736	7,866,310				47,439,408

Item 3c is a biennial appropriation.

The total appropriation for the department includes $2,204,426 in fiscal 1992 and $2,204,426 in fiscal 1993 from the maternal and child health block grant. To the extent revenue from the grant exceeds these amounts, it must be distributed to the counties, based upon identifiable needs. To the extent revenue from the grant is less than these amounts, allocations must be reduced proportionately among state programs and grants to counties.

The total appropriation for the department includes $644,771 in fiscal 1992 and $644,771 in fiscal 1993 from the preventive health block grant. To the extent revenue from the grant exceeds these amounts, it must be distributed at the discretion of the director of the department, based upon identifiable health care needs. To the extent revenue from the grant is less than these amounts, the director of the department shall make program reductions.

Funds appropriated to the department for indirect cost recovery may be expended only for that purpose.

The director's office includes $82,897 of general fund money each year within the legal unit that may be used only to pay legal services billed to programs funded by the general fund within the department. None of this appropriation may be transferred to other programs.

Item 2 includes a total of $25,000 of general fund each year that must be used to perform tests as needed on behalf of the food and consumer safety and occupational health bureaus within the department. If these funds are not needed for testing in the food and consumer safety and occupational health bureaus, they may be expended for other services within the laboratories.

It is the intent of the legislature that the department determine the feasibility of funding the public health and chemistry laboratories through proprietary and special revenue accounts with little or no use of general fund money, except as specified to support testing for the food and consumer safety and occupational health bureaus. If the department determines that such accounting is feasible and saves general fund money, then on or after July 1, 1991, the department may request that the approving authority authorize a proprietary account and reduce the general fund appropriation by a like amount. If this occurs, the general fund appropriation must remain at $25,000 to provide necessary testing for the food and consumer safety and occupational health bureaus.

Item 2b is a biennial appropriation that may be used only if the demand for reimbursable services requires expenditures for supplies, materials, and communications in excess of the appropriated levels of $184,820 in fiscal 1992 and $184,597 in fiscal 1993.

The department is authorized to receive an interentity loan from the general fund for no more than $4,928,894 for the purpose of conducting the Clark Fork natural resources damage assessment and litigation against the atlantic richfield company (ARCO). Repayment of this loan is extended through the end of the 1993 biennium in accordance with 17-2-107. The repayment must include interest on the amount loaned at a rate commensurate with rates earned in the short-term investment pool.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total

The natural resource damage litigation program policy committee is formed to ensure cooperation and unity among the state's natural resource agencies in carrying out their responsibilities as representatives of the governor, who is the trustee of the state's natural resources. The policy committee shall guide and make natural resource damage litigation program policy recommendations. The appropriation of $4,928,894 to continue the natural resources lawsuit against ARCO must be overseen by the policy committee, which consists of the following individuals or their designated representatives: the governor's energy and environmental policy advisor; the directors of the departments of health and environmental sciences and fish, wildlife, and parks; and the commissioner of the department of state lands. The attorney general or his designated representative may act in an advisory capacity to the natural resource damage litigation program policy committee.

None of the appropriation for the licensing, certification, and construction bureau may be transferred to any other program in the department.

The legislative fiscal analyst is directed to recalculate the indirect cost assessments to department programs, using the following rates applied to 100% of personal services:

	FY 92		FY 93	
General Rate	14.00%		12.00%	
Environmental Sciences Division	3.00%		3.00%	
Statewide Cost Allocation	3.75%		3.75%	

Items 3e, 4e, and 5i may be used only to pay for the blanket "pay exception -- environmental specialist" class series and associated indirect costs, authorized by the department of administration on April 11, 1991.

~~Items 3f, 3g, 3h, and 3i are contingent on passage and approval of House Bill Nos. 987, 988, 989, and 994 respectively.~~

~~Item 4f is contingent on passage and approval of House Bill No. 660.~~

DEPARTMENT OF LABOR AND INDUSTRY (6602)

1.	Job Service Division (01)											
		88,244	11,386,520			11,474,764		88,236	11,336,977			11,425,213
	a. Federal Economic Dislocated Worker Adjustment and Assistance/Trade Adjustment Assistance Program (Line Item)											
			247,869			247,869			247,534			247,534
	b. Jobs for Montana Graduates (Line Item)											
			126,517			126,517			124,485			124,485
2.	Unemployment Insurance (02)											
			3,741,488			3,741,488			3,701,445			3,701,445
	a. Unemployment Insurance Accounts Receivable (Line Item)											
			126,312			126,312			102,208			102,208
3.	Commissioner/Centralized Services (03)											
				2,711,023		2,711,023				2,664,153		2,664,153
	a. Audit (Line Item)											
				66,293		66,293						
4.	Employment Relations (04)											
	~~434,423~~	1,359,095	680,030	389,277		~~2,862,825~~	~~405,167~~	1,317,950	684,365	389,094		~~2,796,576~~
	423,224					2,851,626	394,028					2,785,437
	a. Consideration of Investment Income -- HB 187 (Line Item)											
		44,438				44,438		38,485				38,485
	~~b. HB 342 -- Implementation (Line Item)~~											
		~~45,400~~				~~45,400~~		~~39,445~~				39,445
5.	Legal Services Division (06)											
		243,463	458,877	133,095		835,435		244,610	461,562	132,946		839,118
6.	Research, Safety, and Training (07)											
		727,437	2,027,353			2,754,790		728,061	1,995,263			2,723,324
7.	Human Rights Commission (08)											
	283,438		101,470			384,908	288,063		101,463			389,526
	a. Human Rights Backlog (Line Item)											
	~~44,267~~					~~44,267~~	~~37,322~~					~~37,322~~
	16,461					16,461	8,690					8,690
8.	Workers' Compensation Judge (09)											

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
		356,165				356,165		355,643				355,643
9. Job Training Grants (50)												
			13,940,510			13,940,510			14,158,765			14,158,765
a. Project Work Program Contracts (Line Item)												
			286,145			286,145			286,145			286,145
b. Federal Economic Dislocated Worker Adjustment and Assistance/Trade Adjustment Assistance Grants (Line Item)												
			596,435			596,435			664,793			664,793
c. Job Training Partnership Act Funding (Line Item)												
			1,267,759			1,267,759			1,732,241			1,732,241
Total												
	~~762,128~~	2,818,842	34,987,285	3,299,688		~~41,867,943~~	~~730,552~~	2,772,985	35,597,246	3,186,193		~~42,286,976~~
	723,123					41,828,938	690,781					42,247,205

All unappropriated revenue to and fund balance in the unemployment insurance administrative tax account is appropriated to a reserve fund for job service administrative costs, except amounts, up to $100,000 per fiscal year, necessary to comply with federal requirements that a cost allocation plan for nonunemployment insurance tax collections be established. The amount of unappropriated funds for deposit into the reserve must be determined after all other unemployment insurance administrative tax appropriations are funded. The job service reserve fund must be maintained within the unemployment insurance administrative tax account. Interest earned on the job service reserve must be deposited into the job service reserve fund. Sufficient funds from the job service reserve are appropriated to the department to fund the job service federal fund appropriation in fiscal 1992 and fiscal 1993, contingent upon receipt of federal funds for the support of job service functions that are less than the level received in fiscal 1991. Funds in the job service reserve may not be transferred to the unemployment insurance trust fund until January 30, 1993, except in the case that an amount is necessary to reduce the employer contribution schedule for the coming year. Any transfer prior to January 30, 1993, must be reviewed by the legislative finance committee.

The department, in concert with other interested parties, shall prepare formal guidelines for use of the unemployment insurance administrative tax funds and present these guidelines to the 53rd legislature. At a minimum, the guidelines must include a prioritization of programs and activities to be funded. The criteria for prioritization must include the following considerations:

(1) loss of federal funding, impact on rural communities, and employer/employee-related functions; and

(2) the establishment and maintenance of a reserve fund to ensure that employment security services continue in the event of federal fund reductions.

The department shall provide information to the 53rd legislature regarding the actual amount collected by the 3 FTE added to collect unemployment insurance accounts receivable.

The department is appropriated up to $1 million each year from funds referred to in 39-71-502 and 39-71-901 to pay uninsured employer and subsequent injury benefits as required by 39-71-503 and 39-71-907.

Funds appropriated in item 1b must be distributed to the office of public instruction for administration of the jobs for Montana's graduates program.

~~Item 4 is increased by $68,916 in fiscal 1992 and by $70,143 in fiscal 1993 (state special revenue) if House Bill No. 037 is not passed into~~ law.

~~Item 4a is contingent on passage and approval of House Bill No. 187.~~

~~Item 4b is contingent on passage and approval of House Bill No. 342.~~

~~Contingent on passage and approval of Senate Bill No. 228, the~~ The budget director shall increase item 8 by the amount necessary to bring the salary and benefits of the workers' compensation judge to the levels authorized by ~~Senate Bill No. 228~~ Chapter 656, Laws of 1991, less any increase provided for in the pay plan bill.

Funds appropriated in item 9c to replace federal fund reductions in Job Training Partnership Act (JTPA) programs statewide are one-time only funds and may be used only if and to the extent federal JTPA funds allocated to the state are less than the amount allocated in state fiscal year 1991. Unspent funds revert to the job service reserve fund in the unemployment insurance administrative tax account.

During fiscal 1993, the department is authorized to use unemployment insurance administrative tax funds appropriated for funding the JTPA as state matching funds for federal funds appropriated to the department of social and rehabilitation services for the job opportunities and basic skills (JOBS) program.

The amount of unemployment insurance administrative tax funding for the jobs for Montana's graduates program may not be increased.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (6901)

1. Family Assistance (01)										
~~14,664,197~~	~~724,364~~	~~44,743,522~~		~~60,132,083~~	~~14,542,550~~	~~721,346~~	~~44,703,905~~			~~59,967,801~~
16,328,532	806,543	48,365,516		65,500,591	16,066,913	801,988	48,101,330			64,970,231
a. Food Stamp Employment and Training (Line Item)										
		96,000		96,000			96,000			96,000

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Day-Care Rate Increase (Line Item)												
	~~33,404~~		~~84,673~~			118,077	~~57,550~~		~~147,256~~			204,806
	0		118,077				0		204,806			
c. Food Stamp Job Search Support (Line Item)												
	43,750					43,750	43,750					43,750
d. Statewide Jobs Program (Line Item)												
	709,367		1,931,001			2,640,368	709,367		1,931,001			2,640,368
e. AFDC/General Assistance at 42% of Federal Poverty Index (Line Item)												
	537,529	29,142	1,135,730			1,702,401	1,199,824	67,125	2,622,980			3,889,929
2. Eligibility Determination Program (03)												
	2,463,835	2,436,980	4,523,828			9,424,643	2,461,200	2,434,448	4,519,060			9,414,708
3. Administrative and Support Services (04)												
	~~616,796~~	307,237	1,517,425	1		~~2,441,459~~	~~616,075~~	308,621	1,522,310	1		~~2,447,807~~
	615,002					2,439,665	616,482					2,447,414
a. Audit (Line Item)												
	68,690	6,284	74,974			149,948						
b. Grant Writing (Line Item)												
	~~11,250~~	11,250	22,500			~~45,000~~	~~11,250~~	11,250	22,500			~~45,000~~
	0					33,750	0					33,750
4. Child Support Enforcement (05)												
		1,225,772	2,443,455			3,669,227		1,215,076	2,441,553			3,656,629
a. Contracted Employees (Line Item)												
		~~126,991~~	246,512			~~373,503~~		~~129,124~~	250,652			~~379,776~~
		109,756				356,268		101,511				352,163
b. Collection of Parental Contribution to Out-of-Home Care -- HB 993 (Line Item)												
		10,145	19,692			29,837		10,294	19,981			30,275
5. State-Assumed County Administration (06)												
	606,151		500,578			1,106,729	~~606,639~~		500,752			~~1,107,391~~
							596,195					1,096,947
6. Medical Assistance (07)												
	~~53,699,220~~	7,590,929	~~169,946,054~~			~~231,236,203~~	~~54,611,324~~	7,975,494	~~174,077,061~~			~~236,663,879~~
	57,081,847		170,346,054			235,018,830	53,861,591		169,647,004			231,484,089
a. OBRA-90 (Line Item)												
	~~438,298~~		~~1,025,486~~			~~1,463,784~~	~~1,477,222~~		~~3,257,934~~			~~4,735,156~~
	282,998		631,829			914,827	1,169,322		2,470,104			3,639,426
b. Hospital Rate Study/Cost Containment (Line Item)												
	292,080		142,080			434,160	191,300		41,300			232,600
c. Baby Your Baby (Line Item)												
		134,000	134,000			268,000						
d. Nurses' Aide Testing (Line Item)												
	86,400		86,400			172,800	86,400		86,400			172,800
e. Nursing Home Rate Rebase (Line Item)												
	1,110,746		2,815,539			3,926,285	2,644,514		6,766,569			9,411,083
f. Elderly Waiver Expansion (Line Item)												
	74,888		189,827			264,715	100,134		256,216			356,350
g. Residential Psychiatric (Line Item)												
			4,490,088			4,490,088			4,516,295			4,516,295
h. Increase Ob/Gyn/Ped Physicians' Rates (Line Item)												
	~~1,027,510~~		~~2,604,553~~			~~3,632,063~~	~~1,360,013~~		~~3,481,937~~			~~4,842,750~~

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	817,510		2,072,241			2,889,751	1,078,433		2,759,406			3,837,839
i. Health Clinics Expansion (Line Item)	18,388		46,612			65,000	18,265		46,735			65,000
j. ~~Hospital Rate Rebase (Line Item)~~							~~920,613~~		~~2,355,590~~			~~3,276,203~~
							0		0			0
~~k~~ j. Ambulance Provider Increase (Line Item)	139,729		354,189			493,918	138,791		355,127			493,918
~~l~~ k. Pregnant Women Targeted Case Management (Line Item)	139,484		353,566			493,050	138,574		354,572			493,146
~~m~~ l. Provider Rate Increase (Line Item)	3,181		8,068			11,249	6,354		16,258			22,612
~~n~~ m. Operating Cost Implementation of SB 391 (Line Item)	62,298		119,299			181,597	86,551		90,752			177,303
~~o~~ n. Managed Care Benefit Costs of SB 391 (Line Item)							143,566		367,346			510,912
~~p~~ o. Targeted Case Management Benefits Costs for the Mentally Ill -- SB 391 (Line Item)			1,510,752			1,510,752			1,524,996			1,524,996
~~q~~ p. Federal Medicaid Reimbursement for State Institutions -- HB 93 (Line Item)			104,334			104,334			109,288			109,288
7. Audit and Program Compliance Division (08)	~~578,770~~	7,445	809,479			~~1,395,694~~	~~578,628~~	7,430	809,185			~~1,395,243~~
	575,770					1,392,694	567,733					1,384,348
8. Office of Management, Analysis, and Systems (09)	~~1,860,054~~	534,238	~~3,083,450~~	1		~~5,477,743~~	~~2,074,546~~	578,011	3,474,121			~~6,126,678~~
	1,697,497		2,933,450			5,165,186	2,055,708					6,107,840
a. TDD Project Implementation (Line Item)		67,072				67,072		70,890				70,890
b. TEAMS Operations (Line Item)	438,795					438,795	485,182					485,182
c. SEARCHS Operations (Line Item)		~~396,337~~	~~3,567,031~~			~~3,963,368~~		226,975	1,322,777			1,549,752
		196,337	2,433,698			2,630,035						
9. Vocational Rehabilitation Program (10)	~~970,616~~	688,058	6,416,932			~~8,075,606~~	~~969,586~~	687,966	6,278,353			~~7,935,905~~
	965,693					8,070,683	966,386					7,932,705
a. JTPA Administration (Line Item)			15,000			15,000			15,000			15,000
b. Provider Rate Increase (Line Item)	51,952		199,957			251,909	104,422		401,908			506,330
c. JTPA Additional Training (Line Item)			25,000			25,000			25,000			25,000
d. Program Expansion (Line Item)	155,455					155,455	155,455					155,455
10. Disability Determination Program (11)			2,655,318			2,655,318			2,654,349			2,654,349
11. Visual Services Program (13)	~~281,858~~		968,316			~~1,250,174~~	~~281,653~~		967,493			~~1,249,146~~
	280,319					1,248,635	279,374					1,246,867

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Provider Rate Increase (Line Item)												
	7,204		21,654			28,858	14,476		43,520			57,996
12. Developmental Disabilities Program (14)												
	~~9,213,088~~		16,042,689			~~25,255,777~~	~~9,277,332~~		15,975,818			~~25,253,150~~
	9,206,205					25,248,894	9,265,498					25,241,316
a. Provider Rate Increase (Line Item)												
	931,226		328,892			1,260,118	1,916,428		676,848			2,593,276
b. Program Expansion (Line Item)												
	~~181,779~~		~~467,431~~			~~649,210~~	181,779		467,431			649,210
	95,483		245,527			341,010						
c. DD System Phase IV Implementation (Line Item)												
	725,745		568,430			1,294,175	~~1,213,331~~		1,517,728			~~2,731,059~~
							813,331					2,331,059
d. DD System Phase I and II Implementation (Line Item)												
	391,794		762,564			1,154,358	389,156		761,753			1,150,909
e. DD Part H Expansion (Line Item)												
	~~597,059~~		~~244,627~~			841,686	897,059		244,627			1,141,686
	477,059		364,627									
f. Increased Title XIX Funding (Line Item)												
			500,000			500,000			500,000			500,000
g. Montana Youth Initiative (Line Item)												
			86,000			86,000			86,000			86,000
h. Chapter I OPI DD Treatment (Line Item)												
			90,000			90,000			90,000			90,000
i. OBRA-87 (Line Item)												
							296,516		762,470			1,058,986
13. Developmental Disabilities Advisory Council (15)												
			304,696			304,696			304,672			304,672
a. DDPAC Grant Increased Administration (Line Item)												
			9,977			9,977			10,004			10,004
b. DDPAC Grant Increased Benefits (Line Item)												
			32,500			32,500			32,500			32,500
Total												
	~~93,232,586~~	~~14,296,244~~	~~278,470,600~~	2		~~385,999,512~~	~~101,008,975~~	~~14,444,050~~	~~293,903,883~~	1		~~409,356,909~~
	97,482,602	14,161,188	280,214,872			391,858,664	99,746,029	14,497,079	289,062,850			403,305,959

The department is authorized to retain 7.5% of the federal community services block grant and pass through the remaining 92.5% to the human resource development councils (HRDC). If, during fiscal 1992 or fiscal 1993, the block grant falls below the federal fiscal year 1990 grant level, the department shall retain only 5% and pass through the remaining 95% to the HRDCs.

Item 1b is funding for rate increases to day-care providers. Beginning October 1, 1991, the department shall increase day-care provider rates up to 75% of the "local market rate" (the maximum allowed under federal regulations). If federal regulations permit the use of funds from the new "child care and development block grant" for these increases, the department shall decrease the general fund appropriations by the amount of block grant funds available.

Item 1e is additional funding to set AFDC and general assistance payment levels at 42% of the federal poverty index.

The department may, beginning October 1, 1991, pay AFDC recipients a transition-to-work allowance. The allowance may be used for travel and relocation expenses of the recipient and family to another county or state. AFDC recipients are eligible to receive this allowance under rules adopted by the department. The rules may establish limitations on the amount to be paid and require that the recipient have verification of employment, an employment interview, or acceptance into an approved educational or training program. Expenses for a transition-to-work allowance may be paid from the appropriation for AFDC benefits.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total

The department is authorized to use federal funds appropriated for the job opportunities and basic skills (JOBS) program to match general fund money available within the department and unemployment insurance administrative tax funds appropriated to the department of labor and industry for funding the Job Training Partnership Act (JTPA).

The state share of the AFDC-related support collections and all AFDC and non-AFDC federal incentive payments must be deposited in a state special revenue account from which the state's share of the administrative and operational costs of the child support enforcement program must be paid. The legislature intends that, during the 1993 biennium, the department collect $1.25 for each $1 expended for administrative and operational costs from the account. Expenditures made from the account for state medicaid match or development of the SEARCHS computer project are not considered administrative or operational expenditures for purposes of this requirement. ~~Any cash fund balance in excess of $500,000 in the state special revenue account at the end of each fiscal year must be deposited in the state general~~ fund. The department shall transfer to the general fund from the child support enforcement account all cash balance remaining at the end of fiscal 1992. Any cash balance in the account in excess of $500,000 at the end of fiscal 1993 must be deposited in the general fund.

The department is authorized to transfer funds among appropriations for medicaid primary care, medicaid nursing care, medicare buy-in, state medical, and the home and community-based waiver program. Except as provided below, funds transferred to the medicaid waiver program may not be used to increase the number of recipients receiving waiver services but must be used solely for covering cost increases above the appropriated level.

The department may utilize funds appropriated for medicaid nursing care to increase the number of recipients in the home and community-based waiver program during the 1993 biennium under the following conditions:

(1) During the 1993 biennium, no more than 25 nursing residents who are appropriate for waiver services may be transferred from nursing facilities to the waiver program.

(2) Per diem waiver costs for residents moved from nursing facilities may not exceed the statewide average medicaid per diem cost of intermediate nursing care.

(3) The department shall keep records of each resident transferred under this provision and submit to the 53rd legislature a report on the number of residents transferred and any cost savings achieved as a result of the transfers.

The legislature intends that expenditures for all executive budget modifications for provider rate increases approved by the legislature be limited to dollar amounts appropriated rather than percentage increases on which the original estimates may have been based. The department will be in compliance with this provision if:

(1) it estimates total costs for each medicaid service category in June, prior to the beginning of each fiscal year of the 1993 biennium; and

(2) the percentage increases or base adjustments approved by the department are limited to the dollar amount appropriated for each budget modification.

The department may not expand or reduce the amount, scope, or duration of benefits provided to recipients under the medicaid primary care or nursing care programs during the 1993 biennium unless Title XIX of the federal Social Security Act is amended to require expansion or reduction of benefits as a condition of the state receiving federal financial participation. This provision may not be construed to prohibit the department from implementing coverage provided in 53-6-101(3)(l).

~~The appropriation in item 6g is contingent on passage and approval of House Bill No.~~ 93.

The rate increases in items 6e and 6h are funded beginning October 1, 1991. ~~The rate increase in item 6j is funded beginning October 1, 1992~~.

Upon final determination of all general fund money in the department's unreconciled special revenue fund balance (in the approximate total amount of $2,530,153) and the deposit of these funds in the general fund, $438,795 in fiscal 1992 and $485,182 in fiscal 1993 are appropriated to fund the additional general fund costs of the TEAMS project in item 8b. Any funds remaining in the special revenue fund to which the state is entitled must be deposited in the general fund.

However, if a subsequent reconciliation concludes that funds transferred from the unreconciled account to the general fund belong to the federal government, the department may request a general fund supplemental appropriation to repay the federal funds.

~~House Bill No. 903 requires~~ Chapter 707, Laws of 1991, required the department to transfer all money in the federal special revenue account (number 03143) associated with the former department of community affairs grant closeouts reported in the April 1990 legislative audit report. If ~~House Bill No. 903 is passed and approved and~~ a subsequent reconciliation of this account concludes that any of the funds transferred from the account to the general fund belong to the federal government, the department may request a general fund supplemental appropriation to repay the federal funds.

It is the intent of the legislature that annualized expenses for operation of SEARCHS not exceed $1,500,000. This amount includes expenses for any facilities management contracting that may be utilized for system operations, computer processing costs directly associated with operation of the system, and other personal services and nonpersonal services costs directly charged to the management and operation of the system. The department may not proceed with development of SEARCHS until it has demonstrated to the satisfaction of the governor's office of budget and program planning and to the legislative finance committee that the projected annualized operational costs of the system will not exceed the limit imposed in this statement of intent.

Item 9b is funding for a 4.5% rate increase each year of the 1993 biennium to providers of vocational rehabilitation services.

Item 11a is funding for a 4.5% rate increase each year of the 1993 biennium to providers of visual services.

The department is authorized to transfer funds between appropriations for the vocational rehabilitation and visual services programs.

Item 12a is funding for a 4.5% rate increase each year of the 1993 biennium to providers of developmental disabilities services.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
The department may pursue funding under the federal ICF/MR program for additional intensive service slots funded by the 1991 legislature if the federal government fails to approve adequate medicaid waiver funding under the home and community-based waiver program.												
DEPARTMENT OF FAMILY SERVICES (6911)												
1. Management Support (01)												
	~~1,671,245~~	14,806	535,741			~~2,221,792~~	~~1,670,776~~	14,784	527,236			~~2,212,796~~
	1,616,806					2,167,353	1,591,661					2,133,681
a. Audit (Line Item)												
	62,036		38,982			101,018						
b. Management Information System (Line Item)												
	80,037		8,893			88,930						
c. Management Increases (Line Item)												
	109,849		81,583			191,432	102,829		75,227			178,056
d. Division Directors (Line Item)												
	40,082		7,073			47,155	37,789		6,669			44,458
2. Community Services (02)												
	~~19,705,863~~	2,607,131	~~12,097,033~~			~~34,410,027~~	~~20,227,881~~	2,614,818	~~12,178,127~~			~~35,020,826~~
	21,097,221		12,468,661			36,173,013	18,666,373		12,578,786			33,859,977
a. Child Care and Development Block Grant (Line Item)												
			2,373,287			2,373,287			2,641,716			2,641,716
b. Staff Increases (Line Item)												
	233,293		41,169			274,462	224,699		39,653			264,352
c. Montana Developmental Center Phases I and II SSI (Line Item)												
	27,072					27,072	27,072					27,072
d. Montana Developmental Center Phase IV Child Placement (Line Item)												
	42,435		107,565			150,000	84,300		215,700			300,000
e. Montana Developmental Center Phase IV Case Management (Line Item)												
	29,664		51,546			81,210	29,665		51,535			81,200
f. Montana Developmental Center Phase IV SSI (Line Item)												
	19,740					19,740	53,580					53,580
g. Youth Treatment Services (Line Item)												
	~~1,770,656~~					~~1,770,656~~	~~1,764,354~~					~~1,764,354~~
	1,170,737					1,170,737	1,599,095					1,599,095
h. Field Equipment (Line Item)												
	20,000					20,000	20,000					20,000
i. Native American Services (Line Item)												
	280,863		711,937			992,800	278,977		713,823			992,800
j. SB 37 -- Aftercare Services (Line Item)												
	5,105					5,105	33,613					33,613
3. Mountain View (03)												
	1,964,695	3,134	103,807			2,071,636	1,981,694	3,135	103,877			2,088,706
a. Staff Increases (Line Item)												
	34,902					34,902	33,675					33,675
4. Pine Hills School (04)												
	3,205,244	314,045	303,489			3,822,778	3,220,172	320,180	303,344			3,843,696
a. Industries Program (Line Item)												
		6,000				6,000		6,000				6,000
b. Staff Increases (Line Item)												
	61,757					61,757	61,707					61,707

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
Total												
	~~29,364,538~~	2,945,116	~~16,462,105~~			~~48,771,759~~	~~29,052,783~~	2,958,917	~~16,856,907~~			~~49,668,607~~
	30,101,538		16,833,733			49,880,387	28,046,901		17,257,566			48,263,384

Item 1b is a biennial appropriation.

The department shall submit to the 53rd legislature a report detailing the numbers of developmentally disabled (DD) clients served by the department in fiscal 1992 and the actual fiscal 1992 general fund and federal fund expenditures for that service.

The department may provide DD targeted case management through increases in staff, or it may contract for the targeted case management services. The department may transfer the targeted case management program for the developmentally disabled to the department of social and rehabilitation services during the 1993 biennium.

Included in item 2 is a general fund appropriation of $38,708 in fiscal 1992 and $58,083 in fiscal 1993 for increases to day-care providers. Beginning October 1, 1991, the department shall increase day-care provider rates up to 75% of the "local market rate" (the maximum allowed under federal regulations). If federal regulations permit the use of funds from the new "child care and development block grant" for these increases, the department shall decrease the general fund appropriations by the amount of block grant funds available.

In item 2a, the department is appropriated federal funds of $2,373,287 in fiscal 1992 and $2,641,716 in fiscal 1993 for improving the availability and quality of day care. The department shall issue a report to the 53rd legislature detailing the numbers and types of services provided and the actual fiscal 1992 expenditures for those services.

In item 2g, at least $1.3 million for the biennium must be reserved for residential treatment services.

In item 2i, the department may use the funds to contract for direct services on reservations or pay for placement services.

The continuum of service plan is to be presented to the legislative finance committee during calendar 1991 for its review and comment. After review by the committee and consideration of recommendations and upon implementation of the plan, all funds are to be spent in accordance with the plan. The goal of the plan is to develop a comprehensive child welfare service system by July 1, 1993. The system must include but not be limited to family-based services, foster care, therapeutic foster care, group care, residential treatment, and psychiatric hospitalization for youth. Funds appropriated for the youth foster care program may not be transferred to the medicaid program administered by the department.

~~The personal services reduction may not be applied to social workers in the community services program of the department.~~

TOTAL SECTION B											
~~126,965,096~~	~~32,073,438~~	~~364,312,590~~	4,743,415		~~528,095,339~~	~~135,191,678~~	~~27,078,735~~	~~381,337,352~~	4,572,240		~~548,980,005~~
131,633,876	32,875,377	366,428,410			535,681,078	131,691,447	28,095,291	376,896,978			541,255,956

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
C. NATURAL RESOURCES												
PUBLIC SERVICE REGULATION (4201)												
1. Public Service Regulation Program (01)	1,791,853		25,137	19,397		1,836,387	1,806,581		25,113	19,380		1,851,074
a. Audit (Line Item)	15,784					15,784						
b. Consultants (Line Item)	50,000					50,000						
c. Travel and Registration (Line Item)	25,000					25,000						
d. Exempt Positions Salaries (Line Item)	14,400					14,400	14,400					14,400
e. Public Service Commission Relocation -- SB 164 (Line Item)	176,310					176,310	108,120					108,120
f. Regulation of Log Hauling -- HB 192 (Line Item)	23,639					23,639	20,027					20,027
Total	2,096,986		25,137	19,397		2,141,520	1,949,128		25,113	19,380		1,993,621
Items 1b and 1c are biennial appropriations.												
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)												
1. Management Services Division (01)	1,184,123	471,048	1,845,483			3,500,654		1,231,525	469,542	1,839,404		3,540,471
a. Audit (Line Item)	53,666					53,666						
b. Legislative Contract Authority (Line Item)			65,000			65,000			65,000			65,000
c. Fiscal Management Position (Line Item)	33,801					33,801		32,425				32,425
d. Vehicle Account (Line Item)				163,000		163,000				169,000		169,000
2. Field Services Division (02)	2,139,230	451,282	106,137			2,696,649		2,158,078	457,296	101,115		2,716,489
a. Block Management (Line Item)	170,581					170,581		170,469				170,469
b. Fishing and Motorboat Access (Line Item)	9,880	29,642				39,522		9,863	29,591			39,454
c. Microcomputer Support (Line Item)	30,731					30,731		30,665				30,665
d. Block Management -- Executive Planning Process (Line Item)	234,494					234,494		234,496				234,496
e. Game Damage (Line Item)	50,000					50,000		75,000				75,000
f. Sporting Information (Line Item)	17,000					17,000		17,000				17,000
g. License Agent Commissions (Line Item)	10,300					10,300		97,300				97,300
h. Development and Maintenance of Department Property (Line Item)	60,000					60,000		60,000				60,000

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
i. Computerize Land Records (Line Item)		35,000				35,000		35,000				35,000
j. Cherry Creek Reservoir (Line Item)		100,000	50,000			150,000						
k. License Drawings -- HB 91 (Line Item)		9,864				9,864		7,297				7,297
3. Fisheries Division (03)	2,507,264		2,162,190		18,600	4,688,054	2,367,417		2,130,525			4,497,942
a. Water Leasing Study (Line Item)			60,000			60,000						
b. Legislative Contract Authority (Line Item)			1,245,000			1,245,000			1,505,000			1,505,000
c. Missouri Basin Reservations (Line Item)		41,706	125,120			166,826						
d. Streambank Projects (Line Item)		10,000	31,000			41,000		10,000	31,000			41,000
e. USFS Fisheries Data Project (Line Item)		13,958	41,873			55,831		14,233	42,700			56,933
f. Evaluate Fish Population (Line Item)		27,060	81,180			108,240		27,051	81,152			108,203
g. Fishing and Motorboat Access (Line Item)		8,006	24,017			32,023		8,089	24,264			32,353
h. Flathead Lake Fishery (Line Item)		5,785	17,354			23,139		5,971	17,911			23,882
i. Clark Fork River Investigation (Line Item)		12,318	36,953			49,271		12,317	36,952			49,269
j. Fish Hatchery Operations (Line Item)		13,750	41,250			55,000		13,750	41,250			55,000
k. Evaluation of Fish Introductions -- HB 576 (Line Item)		18,750	56,250			75,000						
l. Paddlefish Roe -- HB 115 (Line Item)		26,000				26,000		26,000				26,000
m. Water Measuring Devices -- HB 908 (Line Item)		7,250				7,250		21,750				21,750
4. Law Enforcement Division (04)	3,958,760		190,882			4,149,642	3,991,839		190,713			4,182,552
a. Legislative Contract Authority (Line Item)			40,000			40,000			40,000			40,000
b. Special Investigations (Line Item)		110,580				110,580		110,547				110,547
c. Enforcement Relocation (Line Item)		27,000				27,000		27,000				27,000
5. Wildlife Division (05)	2,500,661		2,288,629			4,789,290	2,519,720		2,306,357			4,826,077
a. Upland Game Birds (Line Item)	1,853,386					1,853,386						
b. Legislative Contract Authority (Line Item)			1,404,500			1,404,500			1,331,500			1,331,500
c. Sun River Game Management Area (Line Item)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		35,000				35,000						
d.	Habitat/Timber Sales Plans (Line Item)											
		16,250				16,250		16,250				16,250
e.	Canyon Ferry Wildlife Management Area (Line Item)											
		7,404				7,404		7,398				7,398
f.	Helicopter Rental (Line Item)											
		45,300	45,300			90,600		45,300	45,300			90,600
g.	Upland Game Bird Increase (Line Item)											
		125,000				125,000						
h.	Development and Maintenance of Real Property -- SB 252 (Line Item)											
		532,026				532,026						
6.	Parks Division (06)											
	~~54,699~~	3,378,402	289,215	256,913		~~3,979,229~~	~~54,700~~	3,405,876	289,122	271,732		~~4,021,430~~
	50,323					3,974,853	50,324					4,017,054
a.	Land and Water Conservation Fund (Line Item)											
			700,000			700,000						
b.	Legislative Contract Authority (Line Item)											
			25,000			25,000			25,000			25,000
c.	Park Futures Committee (Line Item)											
	~~368,356~~					~~368,356~~	~~368,364~~					~~368,364~~
	338,273					338,273	337,903					337,903
d.	Fishing Access Maintenance (Line Item)											
		49,549				49,549		49,550				49,550
e.	Capitol Grounds Maintenance (Line Item)											
				27,265		27,265				27,258		27,258
f.	Off-Highway Vehicles -- HB 309 (Line Item)											
		98,580				98,580		98,580				98,580
7.	Conservation Education Division (08)											
		1,237,193	149,842			1,387,035		1,241,942	156,244			1,398,186
a.	Shooting Ranges (Line Item)											
		150,049				150,049						
b.	Legislative Contract Authority (Line Item)											
			30,000			30,000			30,000			30,000
c.	Watchable Wildlife (Line Item)											
		29,333				29,333		29,334				29,334
d.	Aquatic Education (Line Item)											
		2,748	8,244			10,992		2,748	8,244			10,992
e.	Update Hunter Education (Line Item)											
		6,250	18,750			25,000		6,250	18,750			25,000
f.	Off-Highway Vehicles -- HB 309 (Line Item)											
		10,900				10,900		10,900				10,900
8.	Administration (09)											
		1,608,450	552,491			2,160,941		1,597,938	550,990			2,148,928
a.	Legislative Contract Authority (Line Item)											
			100,000			100,000			100,000			100,000
b.	Legal Services -- Executive Planning Process (Line Item)											
		33,798				33,798		33,801				33,801
c.	Tribal Relations (Line Item)											
		40,000				40,000		40,000				40,000

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
d. Interagency Support (Line Item)		25,000				25,000		25,000				25,000
e. Geographic Information System (Line Item)		50,000				50,000		40,000				40,000
f. Regional Offices Support (Line Item)		75,000				75,000		75,000				75,000
g. Sikes Act (Line Item)	150,000		20,000			170,000						
h. Predator Control (Line Item)		20,000				20,000		20,000				20,000
i. Legal Services (Line Item)		12,300				12,300		12,300				12,300
Total	~~423,055~~ 388,596	23,019,436	10,852,012	2,398,798	18,600	~~36,711,901~~ 36,677,442	~~423,064~~ 388,227	20,072,969	10,024,403	2,408,509		~~32,928,945~~ 32,894,108

Items 2j, 3a, 3c, 3k, 5a, 5c, 5g, 5h, 6a, 7a, and 8g are biennial appropriations.

If the department receives private funds, it may increase its state special revenue appropriation and decrease its federal revenue appropriation by like amounts.

The appropriation for the legislative contract authority in items 1b, 3b, 4a, 5b, 6b, 7b, and 8a is subject to the following provisions:

(1) Legislative contract authority applies only to federal and private funds.

(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.

(3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects, with the related amount of expenditures for each project.

The department shall conduct a study of the options and methods available for allocating administrative costs to the various state special revenue funds managed by the agency. The department shall present the findings of its study to the legislative finance committee by July 1, 1992, along with its recommendation, affected accounts, and any required statute changes.

Item 2f contains $17,000 a year to develop informational displays for use by license agents, and item 2g contains $10,300 in fiscal 1992 and $97,300 in fiscal 1993 for increases in license agents' commissions. ~~The expenditures of these appropriations are contingent on the enactment of Senate Bill No. 171. Senate Bill No. 171 increases~~ Chapter 592, Laws of 1991, increased certain fishing and hunting license fees.

Item 2h contains $60,000 a year from the general license account for development and maintenance of wildlife management areas, waterfowl projects, parks, and fishing access sites. This appropriation is reduced by the amount of funds ~~Senate Bill No. 252, if enacted, provides~~ Chapter 319, Laws of 1991, provided the general license account for the management of wildlife management areas. ~~Senate Bill No. 252 revises~~ Chapter 319, Laws of 1991, revised allocation of funds for development and maintenance of wildlife habitat.

Item 3 contains $18,600 in fiscal 1992 to contract with the U.S. fish and wildlife service to raise Kokanee salmon fingerlings at the Creston national fish hatchery. If a second raceway shelter at the Creston national fish hatchery is not purchased, this appropriation is reduced by $8,220.

Item 3i contains $50,042 in fiscal 1992 and $50,040 in fiscal 1993, appropriated for aquatic resource data collection on the Upper Clark Fork River in connection with the state's resource damage assessment suit against ARCO. The department shall present to the 53rd legislature the results of this project. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base. In the litigation, the state shall seek reimbursement for all expenses incurred by the department associated with the assessment and litigation. Reimbursement must include interest on the amount commensurate with rates earned in the short-term investment pool.

Item 4c contains $27,000 a year for employee relocation expenses. The department shall present the 53rd legislature with a report on historical expenditures for employee relocation. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.

Item 6 contains $246,266 from federal funds and $55,000 from the general fund in fiscal 1992 and $246,173 from federal funds and $55,000 from the general fund in fiscal 1993 for the Montana conservation corps. It is the intent of the legislature that the department provide a liaison position to coordinate this program with the human resource development council.

Item 8 contains $5,500 in fiscal 1992 to print the department's 5-year strategic plan. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 8e contains $50,000 in fiscal 1992 and $40,000 in fiscal 1993 for a pilot project to evaluate potential uses of a geographic information system within the department. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.												
DEPARTMENT OF STATE LANDS (5501)												
1. Central Management Program (01)												
	~~1,435,854~~	97,627	112,654	188,024		~~1,834,159~~	~~1,436,785~~	95,037	112,596	185,611		~~1,830,029~~
	1,374,154					1,772,459	1,379,585					1,772,829
a. Audit (Line Item)												
	41,038					41,038						
b. Trust Land Access (Line Item)												
	300,000					300,000						
c. Helena Office Support Staff (Line Item)												
	16,451	31,796				48,247	16,350	31,796				48,146
d. Royalty Auditor Travel Expense (Line Item)												
		10,469				10,469		10,469				10,469
e. Revised Lease for Office Space (Line Item)												
	82,992					82,992	82,992					82,992
2. Reclamation Program (03)												
	~~299,465~~	626,141	8,589,719			~~9,515,325~~	~~296,430~~	630,754	8,589,223			~~9,516,407~~
	274,691					9,490,551	270,767					9,490,744
a. Opencut Bond Forfeiture (Line Item)												
		100,000				100,000						
b. Hard-Rock Reclamation (Line Item)												
		100,000				100,000						
c. Hard-Rock Bond Forfeiture (Line Item)												
		100,000				100,000						
d. Environmental Analysis (Line Item)												
		3,000,000				3,000,000						
e. Coal Bureau Workload (Line Item)												
		47,176	97,199			144,375		51,039	104,628			155,667
f. Abandoned Mine Rent (Line Item)												
			17,784			17,784			17,784			17,784
g. Hard-Rock Workload (Line Item)												
		123,609				123,609		116,747				116,747
h. Coal and Uranium Rent (Line Item)												
		5,335	12,449			17,784		5,335	12,449			17,784
i. Hard-Rock Increase (Line Item)												
		100,000				100,000		100,000				100,000
j. Environmental Compliance (Line Item)												
		129,289				129,289		106,190				106,190
k. SB 253 -- Opencut Reclamation (Line Item)												
		15,500				15,500		15,500				15,500
3. Land Administration Program (04)												
	~~703,122~~	255,640				~~958,762~~	~~702,276~~	255,819				~~958,095~~
	661,122					916,762	687,276					943,095
a. Trust Land Management (Line Item)												
	90,629					90,629	115,923					115,923
b. Cabinsite Sales (Line Item)												
		70,000				70,000						

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
4. Forestry (25)												
	~~5,712,977~~	2,963,314	385,005			~~9,061,296~~	~~5,708,082~~	2,962,595	385,266			~~9,056,743~~
	5,396,740					8,745,059	5,406,382					8,754,243
a. Federal Fire Reimbursement (Line Item)												
			~~100,000~~			~~100,000~~			~~100,000~~			~~100,000~~
			44,000			44,000			44,000			44,000
b. State/County Cooperative Fire (Line Item)												
	43,040	21,517				64,557	42,670	21,333				64,003
c. Slash Increase (Line Item)												
		31,384				31,384		31,385				31,385
d. Urban Forestry Assistance (Line Item)												
			156,759			156,759			156,764			156,764
e. Forest Resource Management Program (Line Item)												
			336,974			336,974			259,465			259,465
f. Best Management Practices Audit (Line Item)												
	10,000					10,000						
g. Block 5 and Philipsburg Fire (Line Item)												
	67,425	33,712				101,137	68,458	34,228				102,686
h. Best Management Practices Work (Line Item)												
	23,435					23,435	23,437					23,437
i. Forestry Capital Equipment (Line Item)												
	100,383	42,117				142,500	100,383	42,117				142,500
j. HB 731 -- Streamside Management Zones (Line Item)												
	52,463					52,463	37,018					37,018
k. Fire Supplemental (Line Item)												
	5,573,650					5,573,650						
Total												
	~~8,979,274~~	7,904,626	~~9,808,543~~	188,024		~~26,880,467~~	~~8,631,604~~	4,510,344	~~9,738,175~~	185,611		~~23,065,734~~
	14,108,213		9,752,543			31,953,406	8,231,241		9,682,175			22,609,371

The $300,000 general fund appropriation in item 1b is to be used for an economic study ($250,000) of the surface uses of state lands, with emphasis on recreation uses, and for startup costs ($50,000) of the recreational access program mandated in ~~House Bill No. 778~~ Chapter 609, Laws of 1991. The study of recreational uses must be performed by an economist with experience in analysis of the economic value of recreation.

Items 2a through 2d, 3b, and 4f are biennial appropriations.

The department shall conduct a study of the options and methods available for allocating administrative costs to the various state special revenue funds managed by the agency. The department shall present the findings of its study to the legislative finance committee by July 1, 1992, along with its recommendation, affected accounts, and any required statute changes.

Item 2i contains $100,000 a year for the hard-rock increase modification. ~~This appropriation is contingent on enactment of House Bill No. 448~~.

The legislature recommends that the board of land commissioners amend its cabinsite rules to require lessees who apply for sale of their cabinsites to reimburse the department for all expenses it incurs in processing the sale applications.

Item 2k grants spending authority to implement ~~Senate Bill No. 253 and is contingent on passage and approval of Senate Bill No.~~ 253 Chapter 431, Laws of 1991.

Item 4 contains $24,400 a year from the general fund to provide training and materials on best management practices to loggers and forest landowners. If federal funds are received for this purpose, the general fund appropriation must be reduced by a like amount.

Item 4d contains $173,100 a year of federal funds for the urban forestry assistance program. The department shall emphasize replacing dead, diseased, and infected trees in Montana communities. Replacement trees that are adapted to and will survive in Montana must be used.

Item 4f contains $10,000 in fiscal 1992 as a biennial appropriation to coordinate and conduct, in consultation with the environmental quality council, audits of the application and effectiveness of voluntary best management practices for timber sales.

~~Item 4j is contingent on passage and approval of House Bill No. 731~~.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Federal fire reimbursement funds are those funds received for expenses incurred from loaning department personnel to federal agencies to assist in fire suppression activities. Only those federal funds received as reimbursement of expenses credited against the department's state forestry operational budget are considered federal fire reimbursement funds. All other federal funds received must be deposited into the general fund. The department shall report federal fire reimbursement expenditures on state accounting records, and the records must be separate from current level operations.												
DEPARTMENT OF LIVESTOCK (5603)												
1. Centralized Services Program (01)												
	~~82,794~~	352,967	~~18,170~~			453,931	~~82,714~~	352,623	~~19,135~~			453,472
	62,794		38,170				62,714		38,135			
a. Audit (Line Item)												
	3,899	16,620				20,519						
2. Diagnostic Laboratory Program (03)												
	~~314,947~~	~~453,215~~				768,162	314,978	453,263				768,241
	269,947	498,215										
3. Disease Control Program (04)												
		482,783				482,783		483,794				483,794
4. Milk and Egg Program (05)												
	150,313		30,707			181,020	149,680		31,268			180,948
5. Inspection and Control Program (06)												
		2,095,424				2,095,424		1,981,982				1,981,982
a. Livestock Workload Increase (Line Item)												
		53,861				53,861		53,794				53,794
6. Predator Control Program (08)												
		374,162				374,162		272,266				272,266
a. Section 8 (Line Item)												
		20,000				20,000		20,000				20,000
7. Rabies Control (09)												
		15,000				15,000		15,000				15,000
8. Meat and Poultry Inspection Program (10)												
	225,720		225,721			451,441	225,510		225,510			451,020
Total												
	~~777,673~~	~~3,864,032~~	~~274,598~~			4,916,303	~~772,882~~	3,632,722	~~274,913~~			4,680,517
	712,673	3,909,032	294,598				752,882		294,913			
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)												
1. Centralized Services (21)												
	~~1,236,640~~	390,391	4,391			~~1,631,422~~	~~1,240,145~~	390,121	4,364			~~1,634,630~~
	1,192,924					1,587,706	1,218,000					1,612,485
a. Audit (Line Item)												
	42,617					42,617						
b. State of Montana, et al. v. United States Army Corps of Engineers, et al. (Line Item)												
	25,000					25,000						
2. Oil and Gas Regulation (22)												
		1,151,230				1,151,230		1,136,578				1,136,578
a. Oil and Gas Environmental Impact Statement -- Montana Environmental Policy Act Compliance (Line Item)												
		50,000				50,000		50,000				50,000
3. Conservation and Resource Development Division (23)												
	~~75,935~~	~~905,671~~	54,765			~~1,116,371~~	~~76,343~~	~~907,190~~	54,782			~~1,118,315~~
	299	1,052,194				1,107,258	2,079	1,053,717				1,110,578
a. Statewide Resource Conservation and Development Coordinator (Line Item)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	14,470		14,471			28,941	14,438		14,438			28,876
b. Statewide Resource Conservation and Development Operating Expenses (Line Item)												
	19,887		19,887			39,774						
~~c. HB 795 -- Montana Community Infrastructure Program (Line Item)~~												
	~~20,000~~					~~20,000~~	~~20,000~~					~~20,000~~
d c. HB 701 -- Implementation of Clean Coal Technology Project (Line Item)												
		20,000				20,000						
e d. Pay Exceptions (Line Item)												
		8,361				8,361		8,106				8,106
4. Water Resources and Planning (24)												
	~~2,555,644~~	~~2,011,436~~	~~51,316~~			~~4,618,396~~	~~2,540,521~~	~~2,011,112~~	51,022			~~4,610,655~~
	2,214,949	2,228,436	81,316			4,524,701	2,339,042	2,091,112				4,481,176
a. Broadwater Equipment (Line Item)												
		336,000				336,000						
b. Rehabilitation of State-Owned Water Projects (Line Item)												
		~~991,000~~				~~991,000~~						
		891,000				891,000						
c. Poplar River Monitoring (Line Item)												
		33,050				33,050		33,750				33,750
d. Middle Creek Dam (Line Item)												
			3,896,925			3,896,925						
e. Smith River (Line Item)												
			1,600,000			1,600,000						
f. Tongue River (Line Item)												
		400,000	1,600,000			2,000,000						
g. Missouri Basin Reservation (Line Item)												
		82,505				82,505		82,317				82,317
h. Missouri River Operating Expenses (Line Item)												
		~~375,743~~				~~375,743~~						
		288,743				288,743						
i. Hydrologist Pay Exceptions (Line Item)												
		71,113				71,113		71,113				71,113
j. Pay Exceptions (Line Item)												
	27,374	90,736				118,110	27,374	90,736				118,110
5. Reserved Water Rights Compact Commission (25)												
	~~150,717~~	283,447				~~434,164~~	150,119	282,652				432,771
	123,948					407,395						
a. Pay Exceptions (Line Item)												
	3,948	7,331				11,279	3,936	7,311				11,247
b. Hydrologist Pay Exceptions (Line Item)												
		11,440				11,440		11,410				11,410
6. Energy Planning (26)												
	~~486,387~~	~~1,240,725~~	1,093,701			~~2,828,813~~	~~488,280~~	~~1,248,920~~	1,095,275			~~2,832,475~~
	444,452	1,268,725				2,806,878	444,825	1,288,920				2,829,020
a. Rock Creek Mitigation (Line Item)												
		400,000				400,000						
b. Lake Broadview (Line Item)												
		30,000				30,000						
c. Energy Conservation (Line Item)												

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			107,000			107,000			334,500			334,500
d. Pay Exceptions (Line Item)												
	10,349	1,150				11,499	10,042	1,117				11,159
Total												
	~~4,648,968~~	~~8,979,329~~	~~8,442,456~~			~~22,070,753~~	~~4,559,198~~	~~6,412,433~~	1,554,381			~~12,526,012~~
	4,120,217	9,095,852	8,472,456			21,688,525	4,209,855	6,598,960				12,363,196

Items 1b, 3b, ~~3d~~ 3c, 4a, 4b, 4d through 4f, 4h, 6a, and 6b are biennial appropriations.

All indirect charges collected on oil overcharge funds are appropriated for transfer to the general fund.

Included in centralized services funding is $10,000 a year of indirect funds from major facility siting fees. If major facility siting activities generate more than $20,000 of indirect funds over the biennium, the additional major facility siting fee indirect funds must be used to fund centralized service operations and an equal amount of centralized service division general fund money must be reverted.

The board of oil and gas conservation is appropriated $110,000 a year from federal special revenue, contingent upon receiving federal funds from the environmental protection agency for the underground injection control program.

The department is authorized up to $700,000 from the account established in 76-14-112 for rangeland loans during the 1993 biennium.

The department is appropriated up to $1 million over the biennium from the account established in 85-1-604 for purchase of prior liens on property held as loan security as required by 85-1-618.

All funds deposited into the state special revenue account established in 76-15-530 are appropriated to the department for distribution as grants to conservation districts.

The general fund appropriation in items 3a and 3b may be expended only as a match for an equal amount of federal funds.

~~Item 3c is contingent on passage and approval of House Bill No. 795.~~

~~Item 3d is contingent on passage and approval of House Bill No. 701.~~

Funds appropriated in item 4a must be used to repair and replace equipment at the Broadwater hydropower project and to service the Broadwater hydropower project bond debt if revenue deposited in the debt service account is insufficient for this purpose.

Funds received under the provisions of 85-1-514(4) are appropriated to the department for the purpose of performing duties required under 85-1-514.

Any revenue collected in the state water project hydroelectric power generation special revenue account established in ~~House Bill No. 586~~ Chapter 370, Laws of 1991, is appropriated to the department for the rehabilitation of the Tongue River dam. The revenue will be used only if federal authorization for the project rehabilitation is secured.

Any fines collected under the provisions of Title 85, chapter 2, and deposited in the water right appropriation account in accordance with 85-2-318 are appropriated to the department to carry out the enforcement functions required under 85-2-114.

Funds received from bonds required by 37-43-306 are appropriated to the department for the purpose of performing remedial action on water wells, providing compensation for damages caused by water well violations, or paying administrative costs incurred by the board of water well contractors.

In spending eligible federal energy funds appropriated in item 6, the department shall give priority to developing a self-sustaining program for retrofitting school buildings with energy conservation measures that is similar to the state building energy conservation program established by Title 90, chapter 4, part 6, for state buildings. The department shall submit to the 53rd legislature proposed legislation necessary to implement the school building energy conservation program.

The department is appropriated up to $700,000 from the Rock Creek mitigation special account in addition to the $400,000 appropriated in item 6a. The total appropriation for item 6a may not exceed $1,100,000 over the biennium.

DEPARTMENT OF AGRICULTURE (6201)

1. Centralized Services Division (15)												
	175,911	188,091	24,504		33,509	422,015	177,241	188,060	24,448		33,443	423,192
a. Audit (Line Item)												
	26,733					26,733						
2. State Grain Laboratory (25)												
		458,676				458,676		460,209				460,209
a. Grain Laboratory Increase (Line Item)												
		61,804				61,804		41,772				41,772
3. Environmental Management Division (30)												
	~~304,796~~	1,863,365	257,774			~~2,425,935~~	~~181,644~~	1,986,743	257,776			~~2,426,163~~
	224,622					2,345,761	111,959					2,356,478

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Pesticide Program Workload (Line Item)		57,086				57,086		58,962				58,962
b. Ground Water Program Workload (Line Item)		224,295	68,515			292,810		220,278	68,437			288,715
4. Plant Industry Division (40)	448,926	143,851	9,144	11,198		613,119	443,564	146,063	9,189	11,251		610,067
5. Agricultural Development (50)	~~235,430~~ 215,674	1,751,048	82,696		251,536	~~2,320,710~~ 2,300,954	~~230,803~~ 210,854	1,755,791	83,491		252,580	~~2,322,665~~ 2,302,716
Total	~~1,191,796~~ 1,091,866	4,748,216	442,633	11,198	285,045	~~6,678,888~~ 6,578,958	~~1,033,252~~ 943,618	4,857,878	443,341	11,251	286,023	~~6,631,745~~ 6,542,111

~~If House Bill No. 964 is not passed and approved, the general fund appropriation in item 3 is increased by $388,254 in fiscal 1992 and state special revenue is decreased by $388,254 in fiscal 1992, and general fund is increased by $515,919 in fiscal 1993 and state special revenue is decreased by $515,919 in fiscal~~ 1993.

Item 3a contains $58,361 in fiscal 1992 and $60,281 in fiscal 1993 for an increase in the pesticide program. Item 3b contains $294,883 in fiscal 1992 and $291,090 in fiscal 1993 for an increase in the ground water program. ~~These appropriations are contingent on enactment of House Bill No. 964.~~

The department is authorized to make grants to state agencies from the growth through agriculture account, as approved by the Montana agriculture development council in accordance with Title 90, chapter 9. The state agency that receives a grant from the Montana agriculture development council is authorized additional appropriation authority equal to the grant amount.

The department shall report to the legislative finance committee during fiscal 1992 on the feasibility of the department selling its portfolio of rural assistance program loans to the board of investments, thus enabling it to increase its loan capability.

DEPARTMENT OF COMMERCE (6501)

	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Public Safety Division (01)		70,842		65,338		136,180		70,841		65,250		136,091
a. Audit (Line Item)				464		464						
2. Weights and Measures Bureau (02)	~~431,469~~ 427,469					~~431,469~~ 427,469	~~408,977~~ 406,477					~~408,977~~ 406,477
a. Audit (Line Item)	1,394					1,394						
b. Equipment Replacement (Line Item)	59,386					59,386	~~24,353~~ 15,000					~~24,353~~ 15,000
3. Financial Division (36)		821,173				821,173		821,241				821,241
a. Audit (Line Item)		2,434				2,434						
b. Bank Analysis Computers (Line Item)		27,773				27,773		4,450				4,450
4. Milk Control Bureau (37)		283,503				283,503		284,272				284,272
a. Audit (Line Item)		835				835						
5. Professional and Occupational Licensing Bureau (39)		2,047,292		859,146		2,906,438		2,028,181		858,739		2,886,920
a. Audit (Line Item)				7,703		7,703						

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Impairment Program -- Dentists (Line Item)		25,000				25,000		25,000				25,000
c. Miscellaneous Legislation (Line Item)		191,641		73,818		265,459		160,482		62,845		223,327
6. Aeronautics Division (40)		599,341	73,599	63,713		736,653		600,391	73,592	63,653		737,636
a. Audit (Line Item)		1,912		144		2,056						
b. West Yellowstone Airport (Line Item)				17,000		17,000						
7. Transportation Division (50)	~~404,058~~ 370,761	62,102	879,734			~~1,345,894~~ 1,312,597	~~372,427~~ 341,074	71,250	850,835			~~1,294,512~~ 1,263,159
a. Audit (Line Item)	1,466		978			2,444						
b. McCarty Farms (Line Item)	~~180,000~~ 165,483					~~180,000~~ 165,483						
c. Local Rail Assistance Grant (Line Item)			500,000			500,000						
d. Construction Loan Fund (Line Item)		1,800,000				1,800,000						
8. Business Development Division (51)	~~761,908~~ 727,808	347,062	2,192,329			~~3,301,299~~ 3,267,199	~~763,281~~ 708,868	347,065	2,192,326			~~3,302,672~~ 3,248,259
a. Audit (Line Item)	2,633		1,316			3,949						
b. Business Development Division (Line Item)		35,000				35,000		35,000				35,000
c. Defense Logistics Agency Contract (Line Item)		48,839	110,760			159,599		48,841	110,768			159,609
d. EDA/CDBG Revolving Fund (Line Item)			168,922			168,922			169,926			169,926
e. Canadian Trade Office (Line Item)	14,816	55,000				69,816	14,741	55,000				69,741
f. International Affairs Coordinator (Line Item)	38,959	14,581				53,540	38,962	14,582				53,544
g. Small Business Development Centers Expansion (Line Item)			75,000			75,000			100,000			100,000
h. General Revision of Montana Capital Company Act -- HB 901 (Line Item)		42,385				42,385		39,385				39,385
9. Montana Promotion Division (52)		4,752,177				4,752,177		4,757,953				4,757,953
a. Audit (Line Item)		11,283				11,283						
b. Montana Promotional Division (Line Item)		1,034,028				1,034,028		1,352,234				1,352,234
10. Community Development Bureau (60)	220,058	~~2,795,493~~	20,099,524			~~23,115,075~~	219,837	~~2,796,279~~	20,110,416			~~23,126,532~~

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		2,295,493				22,615,075		1,296,279				21,626,532
a. Audit (Line Item)	1,881	2,794	12,748			17,423						
b. Section 8 Grant Increase (Line Item)			1,000,390			1,000,390			1,000,390			1,000,390
11. Office of Research and Information Services (61)	296,192					296,192	~~294,276~~ 282,276					~~294,276~~ 282,276
a. Audit (Line Item)	874					874						
b. Automation of Census (Line Item)	~~63,061~~ 58,061					~~63,061~~ 58,061	~~52,266~~ 37,266					~~52,266~~ 37,266
12. Local Government Services -- Audit (62)	~~89,770~~ 86,770			1,101,410		~~1,191,180~~ 1,188,180	~~89,737~~ 86,737			1,101,007		~~1,190,744~~ 1,187,744
a. Audit (Line Item)				3,244		3,244						
b. Local Government Services Peer Review (Line Item)				10,000		10,000						
c. Single Audit Act -- HB 328 (Line Item)				143,137		143,137				144,859		144,859
13. Local Government Services -- Systems (63)	~~52,741~~ 49,741			186,588		~~239,329~~ 236,329	~~52,605~~ 49,605			186,329		~~238,934~~ 235,934
a. Audit (Line Item)				818		818						
14. Local Government Assistance -- Administration (64)				115,466		115,466				115,810		115,810
a. Audit (Line Item)				302		302						
15. Building Codes Bureau (65)	30,058	1,220,487				1,250,545	30,016	1,220,959				1,250,975
a. Audit (Line Item)	125	3,625				3,750						
b. Vehicle Replacement (Line Item)		191,424				191,424						
16. Indian Affairs Coordinator (70)	~~100,398~~ 98,398					~~100,398~~ 98,398	~~100,457~~ 98,457					~~100,457~~ 98,457
a. Audit (Line Item)	278					278						
b. EEO Grant -- Indian Affairs (Line Item)			97,536			97,536			96,992			96,992
17. Health Facilities Authority (71)				116,141		116,141				116,093		116,093
a. Audit (Line Item)				6,100		6,100						
18. Montana Science and Technology Alliance (73)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	~~476,350~~					~~476,350~~	~~484,420~~					~~484,420~~
	398,556					398,556	409,420					409,420
a. Audit (Line Item)												
	10,658					10,658						
b. R & D Loans -- SB 242 (Line Item)												
	50,000					50,000	50,000					50,000
19. Board of Housing (74)												
				1,972,226		1,972,226				1,965,745		1,965,745
a. Audit (Line Item)												
				57,095		57,095						
20. Investments Division (75)												
				1,544,640		1,544,640				1,544,164		1,544,164
a. Audit (Line Item)												
				104,059		104,059						
b. Additional FTE BOI/HFA Bond (Line Item)												
				21,658		21,658				21,609		21,609
c. Investment Portfolio Managers (Line Item)												
				46,179		46,179				92,367		92,367
21. Montana State Lottery (77)												
				3,004,658		3,004,658				3,007,793		3,007,793
a. Audit (Line Item)												
				132,861		132,861						
b. Montana Lottery (Line Item)												
				3,466,783		3,466,783				3,275,782		3,275,782
c. Lottery Vehicles (Line Item)												
										55,500		55,500
22. Board of Horseracing (78)												
		302,171				302,171		302,820				302,820
a. Audit (Line Item)												
		944				944						
23. Director/Management Services (81)												
	103,705			749,470		853,175	103,820			748,881		852,701
a. Audit (Line Item)												
	299			78,920		79,219						
Total	~~3,392,537~~	~~16,791,141~~	25,212,836	13,949,081		~~59,345,595~~	~~3,100,175~~	~~15,036,226~~	24,705,245	13,426,426		~~56,268,072~~
	3,215,829	16,291,141				58,668,887	2,892,556	13,536,226				54,560,453

Item 5 contains $3,000 in fiscal 1992 and $2,000 in fiscal 1993 for the board of dentistry to implement mandatory continuing professional education requirements for dentists and dental hygienists.

Item 6 contains $33,176 in fiscal 1992 and $33,226 in fiscal 1993. These amounts are not to be used for moving costs associated with the department of transportation ~~if Senate Bill No. 164 is enacted~~.

~~If Senate Bill No. 164 is enacted, item~~ Item 7 contains $31,081 from the general fund and $20,721 from federal funds in fiscal 1992 for moving costs associated with the department of transportation.

Item 7b is for litigation costs associated with the McCarty Farms case. The department shall seek to recover all general fund expenditures plus interest at a rate of 10% from any settlement in this case.

Items 7b through 7d are biennial appropriations.

Item 8c contains ~~$114,000~~ $110,760 a year of federal funds to provide assistance for small businesses in contracting with the federal government. General fund money may not be used in place of these federal funds.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
~~Item 8h is contingent on passage and approval of House Bill No. 901.~~												
Item 11b contains ~~$64,264~~ $58,061 in fiscal 1992 and ~~$53,466~~ $37,266 in fiscal 1993 for automation of census data. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.												
~~Item 18b is contingent on passage and approval of Senate Bill No. 242.~~												
All revenue deposited in the science and technology development special revenue account, as established in 90-3-305, is appropriated to the Montana board of science and technology development.												
In eliminating the certified communities program, the business development division may retain the 1.0 FTE associated with that program.												
TOTAL SECTION C												
	~~21,510,289~~	~~65,306,780~~	~~55,058,215~~	16,566,498	303,645	~~158,745,427~~	~~20,469,303~~	~~54,522,572~~	~~46,765,571~~	16,051,177	286,023	~~138,094,646~~
	25,734,380	64,968,303	55,052,215			162,625,041	19,367,507	53,209,099	46,729,571			135,643,377

D. INSTITUTIONS AND CULTURAL EDUCATION

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
MONTANA ARTS COUNCIL (5114)												
1. Promotion of the Arts (01)												
	~~123,729~~	116,778	198,277			~~438,784~~	~~121,921~~	~~116,771~~	198,253			~~436,945~~
	115,869					430,924	11,558	220,636				430,447
a. Audit (Line Item)	15,784					15,784						
b. Federal Grants -- Biennial (Line Item)			307,470			307,470						
c. Federal Grants -- Biennial (Line Item)			35,000			35,000						
d. Federal Grants (Line Item)			11,535			11,535			11,535			11,535
e. Federal Grants -- Biennial (Line Item)			231,130			231,130						
Total	~~139,513~~	116,778	783,412			~~1,039,703~~	~~121,921~~	~~116,771~~	209,788			~~440,480~~
	131,653					1,031,843	11,558	220,636				441,982

Items 1b, 1c, and 1e (federal grants awarded to local communities and schools) are biennial appropriations.

LIBRARY COMMISSION (5115)												
1. State Library Operations (01)												
	~~956,620~~	157,431	363,927			~~1,477,978~~	~~970,939~~	153,905	368,406			~~1,493,250~~
	832,020					1,353,378	939,658					1,461,969
a. Audit (Line Item)	15,784					15,784						
b. Federal Grants -- Biennial (Line Item)			1,286,476			1,286,476						
c. Blind and Physically Handicapped -- FTE and Associated Equipment (Line Item)	22,319					22,319	19,097					19,097
d. Library of Congress Dues (Line Item)	1,500					1,500	3,000					3,000
e. Local Library Assistance -- Biennial (Line Item)	258,621					258,621						
f. Western Library Network Equipment (Line Item)		10,000				10,000						
2. Natural Resource Information Services (07)												
		236,442	14,871			251,313		236,440	14,871			251,311
a. Contract Authority -- Biennial (Line Item)			650,000			650,000						
Total	~~1,254,844~~	403,873	2,315,274			~~3,973,991~~	~~993,036~~	390,345	383,277			~~1,766,658~~
	1,130,244					3,849,391	961,755					1,735,377

Item 1b (federal grants for local libraries) is a biennial appropriation.

Item 1d (appropriation for library of congress dues) may not be included in the current level base in the agency budget request for the 1995 biennium.

Item 1e (general fund state aid to local libraries) is a biennial appropriation.

In the event coal severance tax allocated to the state library under 15-35-108(3)(f) exceeds the amounts appropriated to the state library for fiscal 1992 and fiscal 1993, the additional funds are appropriated to the state library commission for pass-through to the library federations.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
The biennial appropriation for the legislative contract authority in item 2a is subject to the following provisions: (1) Legislative contract authority applies only to federal and private funds. (2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations. (3) A report must be submitted by the library commission to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.												
HISTORICAL SOCIETY (5117)												
1. Administration Program (01)												
	462,516	82,762	33,392			578,670	465,061	82,233	33,383			580,677
a. Audit (Line Item)												
	16,707					16,707						
b. Trustees' Reimbursement (Line Item)												
	7,654					7,654	7,654					7,654
c. Capitol Tour Guides (Line Item)												
	~~25,829~~					~~25,829~~	~~25,838~~					~~25,838~~
	22,105					22,105	22,816					22,816
2. Library Program (02)												
	~~398,270~~	~~29,736~~				~~428,006~~	~~398,625~~	~~29,875~~				~~428,500~~
	396,256	2,148		27,588		425,992	396,300	1,559		28,316		426,175
3. Museum Program (03)												
	~~210,130~~	~~23,608~~				~~233,738~~	~~210,124~~	~~23,608~~				~~233,732~~
	193,340	19,487		4,121		216,948	187,385	19,487		4,121		210,993
a. Electronic Security (Line Item)												
	~~30,000~~					~~30,000~~						
	5,000					5,000						
4. Publication Program (04)												
	48,135			472,778		520,913	48,134			475,867		524,001
a. Audit (Line Item)												
				1,374		1,374						
b. Merchandise Authority (Line Item)												
				30,000		30,000				30,000		30,000
c. Milwaukee Mitigation (Line Item)												
			13,500			13,500						
5. Historical Sites Preservation (06)												
	~~72,069~~		~~565,233~~			637,302	~~72,211~~		~~565,717~~			637,928
	65,551		571,751				63,717		574,211			
a. Audit (Line Item)												
	768		4,038			4,806						
b. Computers -- Federal (Line Item)												
			11,400			11,400						
Total												
	~~1,272,078~~	~~136,106~~	~~627,563~~	~~504,152~~		~~2,539,899~~	~~1,227,647~~	~~135,716~~	~~599,100~~	~~505,867~~		~~2,468,330~~
	1,218,032	104,397	634,081	535,861		2,492,371	1,191,067	103,279	607,594	538,304		2,440,244

~~The Montana historical society has submitted for review plans for up to $95,000 in private funds for the 1993 biennium. The Montana historical society is to present a summary report to its appropriations subcommittee during the 1993 legislature that lists the projects funded with these private funds and the expenditures for each project. These funds are not subject to appropriation and are not included in the above totals. This language is contingent upon passage of House Bill No. 45.~~

The proprietary authority for a statutorily required transfer of general fund money in the magazine program must be increased by the same amount as the pay plan increase for FTEs supported by the general fund.

~~Item 1c is contingent on the failure of Senate Bill No. 411.~~

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
~~The amendment made to item 3 that struck $219,191 and $219,078 is contingent on the failure of Senate Bill No.~~ 411.												
DEPARTMENT OF ~~INSTITUTIONS~~ CORRECTIONS AND HUMAN SERVICES (6401)												
1. Central Operations Division (10)												
	~~1,563,204~~					~~1,563,204~~	~~1,562,953~~					~~1,562,953~~
	1,506,197					1,506,197	1,516,923					1,516,923
a. Audit (Line Item)												
	123,438	41,150	8,512	6,838		179,938						
~~b. Special Services (Line Item)~~												
	~~32,500~~					~~32,500~~	~~32,500~~					~~32,500~~
	0					0	0					0
~~c~~ b. Board of Pardons Staff (Line Item)												
	30,995					30,995	26,910					26,910
~~d~~ c. Information System Enhancement (Line Item)												
	130,665					130,665	128,024					128,024
2. Corrections Division (20)												
	~~21,046,761~~	1,302,651	155,023	3,077,232		~~25,581,667~~	~~21,180,633~~	1,303,227	155,056	3,080,854		~~25,719,770~~
	21,234,267					25,769,173	20,927,059					25,466,196
a. Corrections Medical (Line Item)												
	1,869,975					1,869,975						
b. Staffing for Additional Capacity (Line Item)												
	560,823					560,823	759,892					759,892
~~c. Jail Payments -- Parole Violators (Line Item)~~												
	~~66,120~~					~~66,120~~	~~66,120~~					~~66,120~~
	0					0	0					0
~~d~~ c. Operating Cost Increases (Line Item)												
	80,663					80,663	80,663					80,663
~~e~~ d. SRFC Chemical Dependency (Line Item)												
		38,350				38,350		38,282				38,282
~~f~~ e. Female Population Increase (Line Item)												
	77,058					77,058	99,214					99,214
~~g~~ f. WCC Additional Staff (Line Item)												
	43,306					43,306	43,034					43,034
~~h~~ g. Local Jurisdiction Sentencing (Line Item)												
	~~17,312~~	17,264				~~34,576~~	17,301	17,265				34,566
	0					17,264						
~~i~~ h. Prerelease Expansion (Line Item)												
	~~336,395~~					~~336,395~~	358,145					358,145
	72,240					72,240						
~~j~~ i. House Arrest (Line Item)												
	~~45,000~~					~~45,000~~	45,000					45,000
	0					0						
~~k~~ j. Great Falls ISP (Line Item)												
	~~127,739~~					~~127,739~~	70,600					70,600
	105,597					105,597						
~~l~~ k. Probation and Parole Officer Increase (Line Item)												
	~~131,201~~					~~131,201~~	134,526					134,526
	95,930					95,930						
~~m~~ l. Jail -- Graduated Sanctions (Line Item)												
	~~66,120~~					~~66,120~~	66,120					66,120

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	0					0						
n m. Targeted Case Managers (Line Item)	54,244					54,244	54,128					54,128
o n. BLSC Operating Increases (Line Item)	3,110					3,110	3,110					3,110
p o. New Women's Prerelease Center (Line Item)	~~278,119~~ 40,740					~~278,119~~ 40,740	237,043					237,043
q p. Community Prerelease Provider Increases (Line Item)	27,132					27,132	54,807					54,807
~~r. Peace Officer Training (Line Item)~~	~~12,200~~					~~12,200~~	~~5,200~~					~~5,200~~
	0					0	0					0
q. Gallehon Turner Trial (Line Item)	75,000					75,000						
r. Maximum Disturbance Legal Costs (Line Item)	25,000					25,000						
s. Reception Overflow (Line Item)	41,000					41,000						
t. Food Costs (Line Item)	78,782					78,782						
3. Mental Health Division (30)	~~29,395,013~~ 29,467,513	~~725,403~~ 742,323	1,021,946			~~31,142,362~~ 31,231,782	~~29,638,062~~ 29,928,062	~~736,589~~ 753,509	1,021,947			~~31,396,598~~ 31,703,518
a. Child and Adolescent Service System Program (Line Item)			13,405			13,405						
b. Federal Data Grant (Line Item)			107,100			107,100			26,775			26,775
c. Service Provider Increases (Line Item)	106,381					106,381	214,889					214,889
d. CFA Additional Staff (Line Item)	36,100					36,100	36,100					36,100
e. Homeless Block Grants (Line Item)			275,000			275,000			275,000			275,000
f. HB 93 -- Utilization Fee on Nursing Facilities (Line Item)	32,370					32,370	64,740					64,740
4. Chemical Dependency Division (40)	~~230,329~~ 226,877	1,556,082	2,032,317			~~3,818,720~~ 3,815,276	~~230,329~~ 226,877	1,544,395	2,032,298			~~3,807,022~~ 3,803,570
a. Alternative Chemical Dependency Services (Line Item)			20,817			20,817			41,666			41,666
b. Community Youth Activity-2 (Line Item)			507,276			507,276			15,610			15,610
c. Chemical Dependency Data Grant (Line Item)			65,788			65,788			16,447			16,447
d. HB 93 -- Utilization Fee on Nursing Facilities (Line Item)	16,612					16,612	33,224					33,224
5. Developmental Disability Division (50)	~~13,460,966~~	30,227	13,356			~~13,504,549~~	~~12,487,000~~	30,251	2,440			~~12,520,491~~

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	13,724,386					13,767,969	12,753,705					12,786,396
a. MDC ICF/MR Certification (Line Item)	89,278					89,278	45,633					45,633
b. Eastmont ICF/MR Certification (Line Item)	136,720					136,720	137,102					137,102
6. Veterans' Nursing Home Division (60)	~~801,882~~	~~1,106,550~~	~~761,043~~			~~2,669,475~~	~~794,537~~	~~1,144,715~~	~~764,129~~			~~2,700,381~~
	587,137	1,223,606	851,408			2,662,151	578,781	1,259,167	855,109			2,693,057
a. HB 93 -- Utilization Fee on Nursing Facilities (Line Item)	30,200					30,200	60,400					60,400
Total	~~71,060,011~~	~~4,817,677~~	~~4,981,583~~	3,084,070		~~83,943,341~~	~~68,768,739~~	~~4,814,724~~	~~4,348,368~~	3,080,854		~~81,012,685~~
	70,729,736	4,951,653	5,071,948			83,837,407	68,702,012	4,946,096	4,442,348			81,171,310

Contracts negotiated or renegotiated by the department may not extend beyond the end of the 1993 biennium unless they contain the clause "subject to legislative appropriation of funds for this contract".

If the department is unable to recruit and hire professional positions funded in the appropriation and required for patient treatment and/or certification, it may transfer up to 100% of the aggregate personal services cost of each class of vacant position or the cost of the required contract, whichever is less, to operating expenses for the purpose of contracting for services that would have been provided if that position were filled. The department shall certify to the governor or his designated representative that:

(1) the department is unable to fill the position or positions; and

(2) the services that would be provided by that position if filled and by the proposed contract are necessary for either federal medicaid certification or the treatment requirements of its correctional institutions.

Within the industries operations in item 2, the department may submit budget amendments to hire 1 FTE marketing representative, 2 FTE shop supervisors, and 1 FTE prison industries procurement coordinator if funding is available.

Within the industries training program in item 2, the department may submit budget amendments to hire 1 FTE vehicle maintenance shop supervisor if funding is available.

The department is authorized to maintain a cash balance of not more than $16,000 at the end of each fiscal year in the prison industries training proprietary account. Any funds in excess of $16,000 in the proprietary account are to offset the general fund appropriation.

Item 2a, the corrections medical budget, is a biennial appropriation.

The department shall submit budget amendments for the local jurisdiction sentencing option program in item ~~2h~~ 2g if federal funding becomes available. The total general fund and state special fund share of the program may not exceed 50% and must revert to the respective funds to the extent that federal funding is less than $35,000.

Item ~~2n~~ 2m contains $55,276 in fiscal 1992 and $55,158 in fiscal 1993 for two targeted case managers at the prison. In preparing the 1995 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from the above items in the current level base.

~~Item 2r contains $12,200 in fiscal 1992 and $5,200 in fiscal 1993 from the general fund for peace officer training for probation and parole officers~~. This ~~appropriation is contingent on passage and approval of Senate Bill No.~~ 379.

Transfers may be made between line items within the mental health division and the alcohol and drug abuse division (chemical dependency) for the purpose of accurately allocating operating expenses associated with the alcohol and drug programs on the Galen campus upon approval of the governor or his designated representative.

Included in item 3 are $22,492,426 in fiscal 1992 and $22,717,860 in fiscal 1993 for the operation of Montana state hospital. Except for approved transfers to the chemical dependency division for the purpose of accurately allocating operating expenses associated with the alcohol and drug programs on the Galen campus, no more than 5% of these funds may be transferred.

In item 3, the department may transfer appropriation authority from the personal services category to the operating expense category of the mental health division budget upon approval by the governor or his designated representative for costs associated with the Ihler lawsuit and the pilot projects in Kalispell, Missoula, and Butte.

In item 3, the department may transfer appropriation authority from the personal services category to the operating expense category of the mental health division budget upon approval by the governor or his designated representative for costs, up to $1,000,000 for the 1993 biennium, associated with responding to the district court ruling on the Ihler lawsuit.

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
~~Items 3f, 4d, and 6a are contingent on passage and approval of House Bill No. 93.~~												
Included in the appropriation for the Montana state hospital chemical dependency program within item 4 are $1,408,733 in fiscal 1992 and $1,413,201 in fiscal 1993 for the operation of the Galen chemical dependency program. No more than 5% of these funds may be transferred.												
The department shall continue to provide acute hospital care, intermediate nursing care, and chemical dependency services at the Montana state hospital at Warm Springs and Galen without significant changes in the program at either campus, except for approved changes on the Warm Springs campus to implement the district court ruling on the Ihler lawsuit.												
In item 5, the department may transfer appropriation authority from the personal services category to the operating expense category of the Montana developmental center budget upon approval of the governor or his designated representative if the downsizing does not take place on schedule.												
TOTAL SECTION D												
	~~73,726,446~~	~~5,474,434~~	~~8,707,832~~	~~3,588,222~~		~~91,496,934~~	~~71,111,343~~	~~5,457,556~~	~~5,540,533~~	~~3,586,721~~		~~85,696,153~~
	73,209,665	5,576,701	8,804,715	3,619,931		91,211,012	70,866,392	5,660,356	5,643,007	3,619,158		85,788,913

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
E. EDUCATION												
University units are defined in ~~[section 5 of House Bill No. 454]~~ 17-7-102(16). For all university units, except the office of the commissioner of higher education, all funds, other than plant funds appropriated in ~~House Bill No. 5~~ Chapter 774, Laws of 1991, relating to long-range building, and current unrestricted operating funds, are appropriated contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. All movement of funds between the current unrestricted subfund and the designated subfund account entities must be clearly identified in the state budgeting and accounting system.												
Programs for the university units' budgets, except the office of the commissioner of higher education, include instruction, organized research, public service, academic support, student services, institutional support, operation and maintenance of plant, and scholarships and fellowships.												
All university units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the national center for higher education management systems program classification structure, along with the college and university business administration (CUBA) system, as a minimum standard for achieving consistency.												
Any tuition added through budget amendment in fiscal 1992 and fiscal 1993 may, in the discretion of the board of regents, be distributed among agencies of the Montana university system.												
The general fund reduction to the Montana university system is not contingent on or tied to any action concerning the operation of state liquor stores.												
It is the intent of the first special session of the 52nd legislature that the board of regents establish at each of the six university units nonresident tuition charges at a level equal to the average of each unit's peer institutions in that year.												
OFFICE OF PUBLIC INSTRUCTION (3501)												
1. Administration (06)												
	~~3,169,983~~ 2,977,475	367,521	2,719,428	832,959		~~7,089,891~~ 6,897,383	~~3,149,504~~ 2,963,514	367,773	2,717,688	827,733		~~7,062,698~~ 6,876,708
a. Audit (Line Item)				52,087		52,087						
b. GAAP Accounting Standards (Line Item)	177,824					177,824	178,558					178,558
c. Financial Management (Line Item)	214,355			71,769		286,124	172,357			59,727		232,084
d. Resource Center Funds (Line Item)		8,000				8,000						
e. Distribution of Migrant Grants (Line Item)			320,000			320,000			320,000			320,000
f. Indian Education (Line Item)	24,071					24,071	23,997					23,997
g. Audiology -- Biennial (Line Item)	136,000	82,000				218,000						
h. Other Federal Funds (Line Item)			291,302			291,302			93,709			93,709
i. Education of the Handicapped -- Part B Administration Set-Aside (Line Item)			300,000			300,000			342,000			342,000
j. Race Equity (Line Item)			25,000			25,000			25,000			25,000
k. Nutrition Education and Training Grant (Line Item)			12,500			12,500			12,500			12,500
l. AIDS Education (Line Item)			98,107			98,107			98,109			98,109
m. Drug Free Schools and Communities (Line Item)			131,512			131,512			131,514			131,514
n. Chapter 1 Program Improvements (Line Item)			50,000			50,000			50,000			50,000
o. ESEA Chapter 2 Program (Line Item)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			141,843			141,843			141,843			141,843
p.	Expanded Co-op Food Purchase (Line Item)											
		12,500				12,500		13,532				13,532
q.	Bilingual Grant (Line Item)											
			24,673			24,673			24,674			24,674
r.	National Bicentennial Compact (Line Item)											
			7,500			7,500			7,500			7,500
s.	Court-Ordered Attorney Fees -- Ridgeway (Line Item)											
	11,000					11,000						
t.	Jobs for Montana Graduates (Line Item)											
			126,517			126,517			124,485			124,485
2.	Distribution to Schools (09)											
a.	Special Education (Line Item)											
	32,845,797					32,845,797	32,845,797					32,845,797
b.	Special Education Contingency -- Biennial (Line Item)											
	~~2,031,699~~					~~2,031,699~~						
	1,869,163					1,869,163						
c.	Transportation (Line Item)											
	6,483,120	3,908,166				10,391,286	6,493,558	3,914,457				10,408,015
d.	School Lunch (Line Item)											
	599,397					599,397	599,397					599,397
e.	Gifted and Talented (Line Item)											
	~~300,000~~					~~300,000~~	~~300,000~~					~~300,000~~
	276,000					276,000	276,000					276,000
f.	Secondary Vocational Education -- Biennial (Line Item)											
	~~1,800,000~~					~~1,800,000~~						
	1,656,000					1,656,000						
g.	Adult Education (Line Item)											
	250,000					250,000	250,000					250,000
h.	Impact Aid (Line Item)											
	~~5,000~~					~~5,000~~	~~5,000~~					~~5,000~~
	4,600					4,600	4,600					4,600
i.	Education of the Handicapped -- Part B Biennial (Line Item)											
			1,356,000			1,356,000						
j.	Job Training Partnership Act -- Biennial (Line Item)											
			1,017,200			1,017,200						
k.	Adult Basic Education -- Biennial (Line Item)											
			1,198,000			1,198,000						
l.	McKinney Homeless Act -- Biennial (Line Item)											
			140,400			140,400						
m.	Preschool Incentive -- Biennial (Line Item)											
			230,000			230,000						
n.	Vocational Education -- Biennial (Line Item)											
			5,000,000			5,000,000						
o.	English Literacy -- Biennial (Line Item)											
			25,000			25,000						
p.	Education of the Handicapped -- Part D Biennial (Line Item)											
			45,000			45,000						
q.	Chapter 1 -- Biennial (Line Item)											

Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
		180,000			180,000						
r.	Section 20-9-351 Supplemental Funding -- Biennial (Line Item)										
41,534,000					41,534,000						
Total											
~~48,040,246~~	4,378,187	13,439,982	956,815		~~66,823,230~~	~~44,018,160~~	4,295,762	4,089,022	887,460		~~53,290,412~~
89,058,802					107,833,786	43,807,778					53,080,022

Item 1 includes $81,564 in fiscal 1992 and $81,810 in fiscal 1993 in the state special revenue fund from the traffic safety account for motorcycle safety. ~~This appropriation is contingent upon the passage and approval of House Bill No. 763~~.

The legislature approved the addition of 0.5 FTE from the federal national origins grant and 0.5 FTE from the federal school foods grant. These funds are in item 1.

Item 1g is a biennial appropriation.

Item 2b is a biennial appropriation. This appropriation is for unforeseen expenses that may arise in special education programs in local districts. A district board of trustees may apply for an allocation from these funds by presenting to the superintendent of public instruction, for each child, a child-study (CST) report and an individual education plan (IEP) relating to this unforeseen expense or, if the need for additional personnel is due to caseload excess, a board of trustees' verification of completed IEPs and CSTs. In addition, a current listing of programs, caseloads, and related costs must be submitted. Contingency funds may be awarded for positions that have gone unfilled for an entire school year and for which regular state special education funds were not awarded. The agency may transfer any unused balance in this appropriation into the special education appropriation in item 2a.

Item 2f is a biennial appropriation.

Items 2i through ~~2q~~ 2r are biennial appropriations.

All revenue received in the state traffic education account under the provisions of 20-7-504, is appropriated as provided in Title 20, chapter 7, part 5.

BILLINGS VOCATIONAL-TECHNICAL CENTER (3511)

1.	General Operations (01,07,44)										
1,213,990			682,386		1,896,376	1,198,920				688,861	1,887,781
	a.	Audit (Line Item)									
25,570					25,570						
2.	Budget Reduction										
9,773					9,773	138,585					138,585
Total											
~~1,239,560~~			682,386		~~1,921,946~~	~~1,198,920~~				688,861	~~1,887,781~~
1,229,787					1,912,173	1,060,335					1,749,196

Total audit costs are estimated to be $28,412 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Billings vocational-technical center's total general fund appropriation. The Billings vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

BUTTE VOCATIONAL-TECHNICAL CENTER (3512)

1.	General Operations (01,07,44)										
1,432,620			351,978		1,784,598	1,463,460				353,473	1,816,933
	a.	Audit (Line Item)									
26,992					26,992						
2.	Budget Reduction										
11,343					11,343	165,008					165,008
Total											
~~1,459,612~~			351,978		~~1,811,590~~	~~1,463,460~~				353,473	~~1,816,933~~
1,448,269					1,800,247	1,298,452					1,651,925

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total

Total audit costs are estimated to be $29,990 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Butte vocational-technical center's total general fund appropriation. The Butte vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

GREAT FALLS VOCATIONAL-TECHNICAL CENTER (3513)

1.	General Operations (01,07,44)										
	1,552,944			631,385	2,184,329	1,586,011				634,024	2,220,035
	a. Audit (Line Item)										
	25,570				25,570						
2.	Budget Reduction										
	12,520				12,520	184,276					184,276
Total											
	~~1,578,514~~			631,385	~~2,209,899~~	~~1,586,011~~				634,024	~~2,220,035~~
	1,565,994				2,197,379	1,401,735					2,035,759

Total audit costs are estimated to be $28,412 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Great Falls vocational-technical center's total general fund appropriation. The Great Falls vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

HELENA VOCATIONAL-TECHNICAL CENTER (3514)

1.	General Operations (01,07,44)										
	1,998,352			549,089	2,547,441	1,948,771				551,207	2,499,978
	a. Audit (Line Item)										
	26,992				26,992						
2.	Budget Reduction										
	15,788				15,788	221,327					221,327
Total											
	~~2,025,344~~			549,089	~~2,574,433~~	~~1,948,771~~				551,207	~~2,499,978~~
	2,009,556				2,558,645	1,727,444					2,278,651

Total audit costs are estimated to be $29,990 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.

Item 2 reduces the Helena vocational-technical center's total general fund appropriation. The Helena vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

MISSOULA VOCATIONAL-TECHNICAL CENTER (3515)

1.	General Operations (01,07,44)										
	2,031,178			666,617	2,697,795	1,952,924				670,365	2,623,289
	a. Audit (Line Item)										
	22,728				22,728						
2.	Budget Reduction										
	16,101				16,101	223,985					223,985
Total											
	~~2,053,906~~			666,617	~~2,720,523~~	~~1,952,924~~				670,365	~~2,623,289~~
	2,037,805				2,704,422	1,728,939					2,399,304

	Fiscal 1992						Fiscal 1993					
	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Propri-etary	Other	Total
Total audit costs are estimated to be $25,254 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.												
Item 2 reduces the Missoula vocational-technical center's total general fund appropriation. The Missoula vocational-technical center, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.												
The commissioner of higher education may transfer county millage collections among the centers. Total revenue received from the 1.5-mill levy that exceeds $965,005 in fiscal 1992 and $981,480 in fiscal 1993 is appropriated to the office of the commissioner of higher education for distribution to the vocational-technical centers and must result in a general fund reversion of a like amount.												
It is the intent of the legislature that the board of regents have additional appropriation flexibility to operate the vocational-technical centers during the 1993 biennium. Therefore, the legislature has approved for each vocational-technical center a single appropriation for its general operations. The appropriation for each postsecondary vocational-technical center listed above is for the following programs: instruction, academic support, student services, institutional support, and operation and maintenance of plant. The vocational-technical centers are exempt from [section 2], which requires personal services line items.												
It is further the intent of the legislature that all fiscal matters pertaining to the postsecondary vocational-technical centers during the 1993 biennium and the 1995 biennium budget request be recorded, maintained, and submitted, using the college and university business administration (CUBA) fund structure and functional expenditure classifications.												
BOARD OF PUBLIC EDUCATION (5101)												
1. Administration (01)												
	~~114,186~~					114,186	~~114,001~~					~~114,001~~
	107,677	6,509					104,458	6,509				110,967
a. Audit (Line Item)												
	1,264					1,264						
~~b. Board Hearing -- HB 20 Biennial (Line Item)~~												
	~~3,252~~					~~3,252~~						
	0					0						
2. Advisory Council (03)												
		71,665				71,665		71,527				71,527
a. Audit (Line Item)												
		1,262				1,262						
Total												
	~~110,702~~	~~72,927~~				~~191,629~~	~~114,001~~	~~71,527~~				~~185,528~~
	108,941	79,436				188,377	104,458	78,036				182,494
~~Item 1b is a biennial appropriation.~~												
COMMISSIONER OF HIGHER EDUCATION (5102)												
1. Administration Program (01)												
	864,771					864,771	853,079					853,079
a. Audit (Line Item)												
	20,519					20,519						
b. Regents Employee Reporting System (Line Item)												
	121,053					121,053	107,424					107,424
2. Student Assistance Program (02)												
	4,788,611		280,000			5,068,611	4,854,262		280,000			5,134,262
a. Increased Supplemental Educational Opportunity Grant Match (Line Item)												
	63,590					63,590	63,590					63,590
b. Increased Perkins Loan Match (Line Item)												
	36,270					36,270	36,270					36,270
c. State Work Study -- Minimum Wage Increase (Line Item)												
	105,203					105,203	105,203					105,203
3. Dwight D. Eisenhower Mathematics and Science Education Act (03)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			249,842			249,842			249,842			249,842
4. Community College Assistance (04)	3,785,966					3,785,966	4,215,246					4,215,246
a. Audit (Line Item)	29,890					29,890						
5. Montana University System Group Insurance Program (05)				13,760,131		13,760,131				16,044,208		16,044,208
a. Group Insurance Additional Costs (Line Item)				139,801		139,801				140,249		140,249
6. Talent Search (06)			188,829			188,829			188,315			188,315
a. Talent Search Additional Federal Funds (Line Item)			48,793			48,793			48,792			48,792
7. Carl D. Perkins Administration (08)	92,966		5,115,331			5,208,297	76,970		5,098,843			5,175,813
8. Guaranteed Student Loan Program (12)			1,409,410			1,409,410			1,408,634			1,408,634
a. Audit (Line Item)			6,630			6,630						
b. Guaranteed Student Loan Additional Workload (Line Item)			232,694			232,694			232,691			232,691
c. Supplemental Preclaims Unit (Line Item)			43,446			43,446			43,348			43,348
9. Board of Regents -- Administration (13)	32,854					32,854	32,863					32,863
10. Board of Regents Bond Payments (14)	706,255					706,255	698,153					698,153
11. Vocational-Technical Center Administration (15)	96,575					96,575	96,338					96,338
a. Vocational-Technical Center Contingency (Line Item)	150,000					150,000						
12. Budget Reduction -- Commissioner of Higher Education	307,913					307,913	201,569					201,569
13. Budget Reduction -- Community Colleges	152,634					152,634	337,220					337,220
Total	~~10,894,523~~		7,574,975	13,899,932		~~32,369,430~~	~~11,139,398~~		7,550,465	16,184,457		~~34,874,320~~
	10,433,976					31,908,883	10,600,609					34,335,531

Item 2 includes $68,400 general fund in fiscal 1992 and $114,000 general fund in fiscal 1993 for three new medical student WICHE slots in fiscal 1992 and three continuing medical student WICHE slots and 2 new medical student WICHE slots in fiscal 1993. ~~If House Bill No. 1007 is enacted, the general fund appropriation in item 2 must be reduced by $68,400 in fiscal 1992 and $114,000 in fiscal 1993.~~

The appropriation in item 4 provides 51% and 55% of the total unrestricted budgets for the community colleges in fiscal 1992 and fiscal 1993, respectively. The total unrestricted budgets for the community colleges must be approved by the board of regents.

The general fund appropriation for each community college includes 49% of the total audit cost. The remaining 51% of these costs are to be paid from funds other than those appropriated in items 4 and 4a. Audit costs may not exceed $18,000 each for Dawson and Miles community colleges and $25,000 for Flathead Valley community college for the biennium.

Item 11a is a biennial appropriation.

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Items 12 and 13 reduce the commissioner of higher education's total general fund appropriation. The commissioner of higher education, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.												
UNIVERSITY OF MONTANA (5103)												
1. Instruction (01)	15,528,473				9,107,802	24,636,275	15,504,308				9,148,531	24,652,839
2. Organized Research (02)	631,517					631,517	632,053					632,053
a. Bureau of Business and Economic Research (Line Item)	30,000					30,000						
3. Public Service (03)	306,560					306,560	426,596					426,596
4. Operation and Maintenance of Plant (07)	5,476,334					5,476,334	5,524,124					5,524,124
5. Scholarships and Fellowships (08)					1,228,074	1,228,074					1,228,074	1,228,074
6. Support (44)	6,762,601				5,342,998	12,105,599	6,777,328				5,384,625	12,161,953
a. Audit (Line Item)	55,244					55,244						
b. Minimum Wage (Line Item)	73,740					73,740	73,740					73,740
c. Library Books (Line Item)	281,715					281,715						
d. Regents' Employee Reporting System (Line Item)	25,766					25,766	25,766					25,766
7. Budget Reduction	451,183					451,183	3,225,856					3,225,856
Total	~~29,171,950~~				15,678,874	~~44,850,824~~	~~28,963,915~~				15,761,230	~~44,725,145~~
	28,720,767					44,399,641	25,738,059					41,499,289

Total audit costs are estimated to be $110,488 for the biennium. Fifty percent of these costs must be paid from funds other than those appropriated in items 1 through 6.

Item 1 contains $130,000 from the general fund in fiscal 1992 and $130,000 from the general fund in fiscal 1993 for the university of Montana pharmacy school over and above the amount generated by the funding formula for the school of pharmacy. Any grant and donation made to the university of Montana for the express purpose of maintaining accreditation at the school of pharmacy may not reduce funds otherwise allocated from the current unrestricted fund. It is the intent of the legislature that the current unrestricted budget allocation by the university of Montana to the school of pharmacy not be reduced. It is the further intent of the legislature that these additional funds become part of the current level base budget for the university of Montana and be included in the 1995 biennium current level budget analysis prepared by the office of the legislative fiscal analyst and presented to the 53rd legislature.

Items 2a and 6c are biennial appropriations.

Item 7 reduces the university of Montana's total general fund appropriation. The university of Montana, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

MONTANA STATE UNIVERSITY (5104)												
1. Instruction (01)	20,084,648				9,687,288	29,771,936	20,608,791				9,731,683	30,340,474
a. Nursing	313,388					313,388	584,443					584,443
b. NSF Mathematics Grant Match -- Biennial (Line Item)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	1,000,000					1,000,000						
2. Organized Research (02)	594,926					594,926	594,947					594,947
3. Public Service (03)	260,362					260,362	360,362					360,362
4. Operation and Maintenance of Plant (07)	5,978,306					5,978,306	6,042,058					6,042,058
5. Scholarships and Fellowships (08)					1,327,730	1,327,730					1,327,730	1,327,730
6. Support (44)	8,034,029				5,668,827	13,702,856	8,047,841				5,715,957	13,763,798
a. Audit (Line Item)	55,244					55,244						
b. Minimum Wage (Line Item)	75,232					75,232	75,232					75,232
c. Library Books (Line Item)	321,683					321,683						
d. Regents' Employee Reporting System (Line Item)	28,580					28,580	28,580					28,580
7. Budget Reduction	553,260					553,260	3,941,603					3,941,603
Total	~~36,746,398~~				16,683,845	~~53,430,243~~	~~36,342,254~~				16,775,370	~~53,117,624~~
	36,193,138					52,876,983	32,400,651					49,176,021

Total audit costs are estimated to be $110,488 for the biennium. Fifty percent of these costs must be paid from funds other than those appropriated in items 1 through 6.

Item 1b is a biennial appropriation and is contingent on the receipt of the national science foundation mathematics grant being awarded to Montana.

Item 6c is a biennial appropriation.

Item 7 reduces Montana state university's total general fund appropriation. Montana state university, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY (5105)

	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Instruction (01)	3,417,769				2,035,482	5,453,251	3,411,274				2,043,500	5,454,774
2. Organized Research (02)	41,300					41,300	41,415					41,415
3. Operation and Maintenance of Plant (07)	1,545,483					1,545,483	1,557,023					1,557,023
4. Scholarships and Fellowships (08)					201,561	201,561					201,561	201,561
5. Support (44)	2,279,062				468,393	2,747,455	2,282,457				474,752	2,757,209
a. Audit (Line Item)	49,721					49,721						
b. Minimum Wage (Line Item)	35,041					35,041	35,041					35,041
c. Library Books (Line Item)	51,805					51,805						
d. Regents' Employee Reporting System (Line Item)												

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	8,993					8,993	8,993					8,993
6. Budget Reduction												
	116,122					116,122	831,464					831,464
Total												
	~~7,429,174~~				2,705,436	~~10,134,610~~	~~7,336,203~~				2,719,813	~~10,056,016~~
	7,313,052					10,018,488	6,504,739					9,224,552

Total audit costs are estimated to be $66,294 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 5.

Item 5c is a biennial appropriation.

Item 6 reduces the Montana college of mineral science and technology's total general fund appropriation. The Montana college of mineral science and technology, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

EASTERN MONTANA COLLEGE (5106)

1. Instruction (01)											
	3,232,818				4,979,980	8,212,798	3,095,181				5,004,703	8,099,884
2. Public Service (03)											
	253,236					253,236	254,033					254,033
3. Operation and Maintenance of Plant (07)											
	2,184,624					2,184,624	2,204,427					2,204,427
a. Apsaruke Hall Utilities (Line Item)											
	10,000					10,000	10,000					10,000
b. Billings SID (Line Item)											
	10,503					10,503	6,024					6,024
4. Scholarships and Fellowships (08)											
					382,715	382,715					382,715	382,715
5. Support (44)											
	5,027,976				117,382	5,145,358	5,025,779				124,827	5,150,606
a. Audit (Line Item)											
	52,088					52,088						
b. Minimum Wage (Line Item)											
	35,563					35,563	35,563					35,563
c. Library Books (Line Item)											
	112,965					112,965						
d. Regents' Employee Reporting System (Line Item)											
	14,608					14,608	14,608					14,608
6. Budget Reduction												
	170,082					170,082	1,198,048					1,198,048
Total												
	~~10,934,381~~				5,480,077	~~16,414,458~~	~~10,645,615~~				5,512,245	~~16,157,860~~
	10,764,299					16,244,376	9,447,567					14,959,812

Total audit costs are estimated to be $69,450 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 5.

Item 3a is for utilities expense at Apsaruke hall only. Any unused funds revert to the general fund at the end of each fiscal year.

Item 5c is a biennial appropriation.

Item 6 reduces eastern Montana college's total general fund appropriation. Eastern Montana college, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

NORTHERN MONTANA COLLEGE (5107)

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Instruction (01)	2,505,437				2,011,170	4,516,607	2,764,317				1,752,290	4,516,607
2. Public Service (03)					8,891	8,891					8,891	8,891
3. Operation and Maintenance of Plant (07)	1,166,288					1,166,288	1,177,153					1,177,153
4. Scholarships and Fellowships (08)					278,375	278,375					278,375	278,375
5. Support (44)	2,312,971				193,409	2,506,380	2,046,279				467,452	2,513,731
a. Audit (Line Item)	42,617					42,617						
b. Minimum Wage (Line Item)	39,730					39,730	39,730					39,730
c. Library Books (Line Item)	53,234					53,234						
d. Regents' Employee Reporting System (Line Item)	9,050					9,050	9,050					9,050
6. Budget Reduction	96,194					96,194	688,758					688,758
Total	~~6,129,327~~ 6,033,133				2,491,845	~~8,621,172~~ 8,524,978	~~6,036,529~~ 5,347,771				2,507,008	~~8,543,537~~ 7,854,779

Total audit costs are estimated to be $56,823 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 5.

Item 5c is a biennial appropriation.

Item 6 reduces northern Montana college's total general fund appropriation. Northern Montana college, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA (5108)

	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Instruction (01)	1,531,128				1,027,650	2,558,778	1,526,351				1,033,343	2,559,694
2. Operation and Maintenance of Plant (07)	738,270					738,270	743,101					743,101
3. Scholarships and Fellowships (08)					89,683	89,683					89,683	89,683
4. Support (44)	1,119,120				353,405	1,472,525	1,119,456				356,123	1,475,579
a. Audit (Line Item)	43,802					43,802						
b. Minimum Wage (Line Item)	38,507					38,507	38,507					38,507
c. Library Books (Line Item)	31,158					31,158						
d. Regents' Employee Reporting System (Line Item)	8,865					8,865	8,865					8,865
5. Budget Reduction	55,504					55,504	396,923					396,923

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total	~~3,510,850~~ 3,455,346				1,470,738	~~4,981,588~~ 4,926,084	~~3,436,280~~ 3,039,357				1,479,149	~~4,915,429~~ 4,518,506

Total audit costs are estimated to be $58,402 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 through 4.

Item 4c is a biennial appropriation.

Item 5 reduces western Montana college's total general fund appropriation. Western Montana college, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

Included within current unrestricted funds (contained in the "other" fund column) to the six university units is the sum of $11,887,000 in fiscal 1992 and $12,131,000 in fiscal 1993 from revenue generated under the provisions of 20-25-423. The department of revenue shall levy the full 6 mills as authorized in 20-25-423. Revenue received by the university system under the provisions of 20-25-423 that exceeds $11,887,000 in fiscal 1992 and $12,131,000 in fiscal 1993 is appropriated to the office of the commissioner of higher education for distribution to the university system and must cause a general fund reversion of a like amount.

It is understood by the 52nd legislature that the appropriations contained in [this act] for the six university units may result in the board of regents electing to limit or reduce enrollment during fiscal 1992 and fiscal 1993. It is the intent of the 52nd legislature that if actual enrollments during the 1993 biennium are fewer than the budgeted number of student full-time equivalents for the 1993 biennium, systemwide or by unit, the legislative fiscal analyst shall present to the 53rd legislature a current level budget for the six units, systemwide and by unit, no lower than the budgeted amount for the 1993 biennium.

It is ~~further~~ understood by the 52nd legislature that shortfalls in student tuition due to enrollment declines may be presented to the 53rd legislature for a supplemental appropriation. These tuition shortfalls are not expected to be made up by per-student full-time equivalent tuition increases.

The 52nd legislature intends for the Montana university system to be subject to the personal services line item requirements contained in [section 2]. The dollar amount of the personal services line item is equal to the following:

(1) For the research, public service, and plant programs, the line item amount is equal to the personal services amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(2) For the instruction program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year, but may be no less than the faculty compensation amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(3) For the support program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year.

It is further the intent of the 52nd legislature that the original budgeted personal services by program on the regents' employee reporting system each fiscal year equal the original regents'-approved operating budget by program.

AGRICULTURAL EXPERIMENT STATION (5109)

1.	Organized Research (02)										
	7,278,082		2,127,376	9,405,458	7,278,043			2,127,056	9,405,099		
	a. Biological Weed Control (Line Item)										
	60,000			60,000	80,572				80,572		
2.	Livestock and Range Research Station (15)										
			389,344	389,344				374,295	374,295		
3.	Budget Reduction										
	117,419			117,419	854,420				854,420		
Total	~~7,338,082~~ 7,220,663		2,516,720	~~9,854,802~~ 9,737,383	~~7,358,615~~ 6,504,195			2,501,351	~~9,859,966~~ 9,005,546		

Item 3 reduces the agricultural experiment station's total general fund appropriation. The agricultural experiment station, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

COOPERATIVE EXTENSION SERVICE (5110)

1.	Public Service (03)										
	2,778,004		1,987,347	4,765,351	2,769,940			1,987,404	4,757,344		
2.	Budget Reduction										
	44,746			44,746	329,178				329,178		

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total												
	~~2,778,004~~				1,987,347	~~4,765,351~~	~~2,769,940~~				1,987,404	~~4,757,344~~
	2,733,258					4,720,605	2,440,762					4,428,166

Item 2 reduces the cooperative extension service's total general fund appropriation. The cooperative extension service, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

FORESTRY AND CONSERVATION EXPERIMENT STATION (5111)

1.	Research (02)											
	711,138					711,138	711,940					711,940
2.	Budget Reduction											
	11,068					11,068	79,845					79,845
Total												
	~~711,138~~					~~711,138~~	~~711,940~~					~~711,940~~
	700,070					700,070	632,095					632,095

Item 2 reduces the forestry and conservation experiment station's total general fund appropriation. The forestry and conservation experiment station, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

BUREAU OF MINES (5112)

1.	Bureau of Mines (11)											
	1,288,493				46,410	1,334,903	1,289,384				46,411	1,335,795
2.	Budget Reduction											
	20,054					20,054	144,981					144,981
Total												
	~~1,288,493~~				46,410	~~1,334,903~~	~~1,289,384~~				46,411	~~1,335,795~~
	1,268,439					1,314,849	1,144,403					1,190,814

Item 2 reduces the bureau of mines' total general fund appropriation. The bureau of mines, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

SCHOOL FOR THE DEAF AND BLIND (5113)

1.	Administration Program (01)											
	197,895					197,895	198,322					198,322
	a. Audit (Line Item)											
	20,519					20,519						
2.	General Services Program (02)											
	251,213					251,213	~~253,044~~					~~253,044~~
							243,044					243,044
3.	Student Services (03)											
	~~799,974~~		34,282			~~834,256~~	~~781,842~~		34,247			~~816,089~~
	763,095					797,377	745,289					779,536
4.	Education (04)											
	~~1,317,179~~	~~170,000~~	131,200			1,618,379	~~1,315,205~~	~~170,000~~	131,200			1,616,405
	1,297,179	190,000					1,295,205	190,000				
	a. Supervising Teacher (Line Item)											
	33,249					33,249	33,256					33,256
Total												
	~~2,620,029~~	~~170,000~~	165,482			~~2,955,511~~	~~2,581,669~~	~~170,000~~	165,447			~~2,917,116~~
	2,563,150	190,000				2,918,632	2,515,116	190,000				2,870,563

MONTANA COUNCIL ON VOCATIONAL EDUCATION (5116)

	Fiscal 1992 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Fiscal 1993 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Administration Program (01)												
			135,578			135,578			135,650			135,650
a. Audit (Line Item)												
			4,104			4,104						
b. Increased Federal Funding (Line Item)												
			30,000			30,000			30,000			30,000
Total												
			169,682			169,682			165,650			165,650
FIRE SERVICES TRAINING SCHOOL (5119)												
1. Fire Services Training School (01)												
	236,279					236,279	219,064					219,064
a. Audit (Line Item)												
	2,525					2,525						
2. Budget Reduction												
	3,818					3,818	25,886					25,886
Total												
	~~238,804~~					~~238,804~~	~~219,064~~					~~219,064~~
	234,986					234,986	193,178					193,178

The fire services training school must be provided office, classroom, and storage space in the Great Falls vocational-technical center at no charge.

Item 2 reduces the fire services training school's total general fund appropriation. The fire services training school, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriation accordingly.

TOTAL SECTION E											
~~176,315,037~~	~~4,621,114~~	21,350,121	14,856,747	51,942,747	~~269,085,766~~	~~171,113,061~~	~~4,537,289~~	11,970,584	17,071,917	52,187,911	~~256,880,762~~
215,093,431	4,647,623				307,890,669	157,637,643	4,563,798				243,431,853
TOTAL STATE FUNDING											
~~453,868,142~~	~~281,579,413~~	~~604,104,453~~	~~216,571,437~~	54,911,330	~~1,611,034,775~~	~~452,794,707~~	~~269,600,416~~	~~601,317,157~~	~~224,556,424~~	54,781,350	~~1,603,050,054~~
499,309,919	281,387,651	606,311,156	216,646,146		1,658,566,202	432,689,335	268,819,658	597,356,479	224,634,134		1,578,280,956

Section 2. Section 9, Chapter 526, Laws of 1991, is amended to read:

"Section 9. Appropriation. There is appropriated for the biennium ending June 30, 1993, ~~$26,000~~ $21,710 for travel costs and per diem and administrative support costs and $40,000 for consultant costs from the general fund to the office of the legislative fiscal analyst for use by the joint committee on postsecondary education policy and budget."

Section 3. Section 2, Chapter 546, Laws of 1991, is amended to read:

"Section 2. Appropriation. There is appropriated from the general fund to the legislative council for the biennium ending June 30, 1993, ~~$37,000~~ $34,040 for the purposes of conducting the study required in [section 1]."

Section 4. Section 4, Chapter 559, Laws of 1991, is amended to read:

"Section 4. Appropriation. There is appropriated from the general fund to the department of family services for the biennium ending June 30, 1993, the sum of ~~$100,000~~ $50,000 to be used to provide respite care for foster children."

Section 5. Section 16, Chapter 604, Laws of 1991, is amended to read:

"Section 16. Appropriation. There is appropriated from the general fund to the department of justice ~~$639,300~~ $588,156 in fiscal year 1992 and ~~$837,900~~ $770,868 in fiscal year 1993 to fund the continued development and operation of the statewide motor vehicle computer system."

Section 6. Section 6, Chapter 634, Laws of 1991, is amended to read:

"Section 6. Appropriation. There is appropriated to the department of health and environmental sciences ~~$14,000~~ $12,880 from the general fund for the biennium ending June 30, 1993, for the purpose of implementing [this act]."

Section 7. Section 1, Chapter 707, Laws of 1991, is amended to read:

"Section 1. Appropriation -- purpose -- department of social and rehabilitation services to deposit certain funds to general fund -- court automation report. (1) There is appropriated from the state general fund to the supreme court ~~$420,000~~ $386,400 for the 1993 biennium for court automation projects.

(2) There is appropriated from the federal special revenue account to the supreme court $200,000 for the 1993 biennium for court automation projects.

(3) The funds appropriated by this section to the supreme court must be used to pay necessary costs for court automation projects to improve information systems, case management systems, and the administration of justice.

(4) Prior to July 1, 1991, the department of social and rehabilitation services shall deposit to the credit of the state general fund all money in the federal special revenue account (number 03143) associated with the former department of community affairs grant closeouts reported in the April 1990 legislative audit by the office of the legislative auditor.

(5) The supreme court shall report to the 1993 legislature the status of judicial automation."

Section 8. Section 16, Chapter 720, Laws of 1991, is amended to read:

"Section 16. Appropriation. (1) The following money for the indicated fiscal years is appropriated to the listed agencies to implement [this act]:

	Fiscal 1992		Fiscal 1993	
	General Fund	Other Funds	General Fund	Other Funds
Legislative Auditor	$ 55,321	$ 59,836	$ 90,697	$ 98,098
Legislative Fiscal Analyst	29,486		49,742	
Legislative Council	76,834		152,898	
Environmental Quality Council	11,763		18,618	
Consumer Counsel		7,167		11,734
Judiciary	72,569	16,802	122,084	28,266
University System	4,113,000	1,160,000	6,752,000	1,904,000
Office of Budget and Program Planning for Distribution to All Other Agencies	8,603,027	11,843,195	13,727,961	18,844,902

(2) There is appropriated to the state personnel division ~~$73,200~~ $64,200 from the general fund for the fiscal year ending June 30, ~~1993~~ 1991, for changes in the payroll/personnel/position control system. Any unexpended portion of the appropriation is reappropriated for the biennium ending June 30, 1993."

Section 9. Section 1, Chapter 753, Laws of 1991, is amended to read:

"Section 1. Appropriation. Upon final determination of all general fund money in the department of social and rehabilitation services' unreconciled special revenue fund balance and the deposit of these funds in the general fund, the lesser of ~~$547,339~~ $286,589 or the amount available from the balance after funding $438,795 in fiscal 1992 and $485,182 in fiscal 1993 appropriated to the department of social and rehabilitation services from the TEAMS project is appropriated from the general fund to the department of family services for the purchase and development of a management information system and may not be used for other purposes. In addition, there is appropriated the following for this purpose:

Fiscal year 1992 $138,312 from federal special funds
Fiscal year 1993 138,312 from federal special funds"

Section 10. Section 12, Chapter 765, Laws of 1991, is amended to read:

"Section 12. Appropriation. There is appropriated from the general fund to the superintendent of public instruction ~~$2,471,000~~ $2,273,320 for the biennium ending June 30, 1993, to fund educational programs for children with disabilities who are placed in an in-state children's psychiatric hospital or residential treatment facility."

Section 11. Section 6, Chapter 774, Laws of 1991, is amended to read:

"Section 6. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBPF	Other Funding Sources	
DEPARTMENT OF ADMINISTRATION			
Hazardous Material Abatement, Statewide	~~$ 617,500~~	$ 150,000	Auxiliary
	$ 594,625		
State Building Energy Retrofit, Statewide		500,000	Nonstate State Special Revenue
		1,000,000	Federal Special Revenue
		500,000	Auxiliary or Other
Construction, Litigation, Architecture and Engineering Division	345,000		
Develop Alternate Water Supply, Capitol Complex		50,000	Proprietary Funds
Property Acquisition and Development, Capitol Complex		~~123,014~~	Capitol Land Grant
		20,000	
DEPARTMENT OF COMMERCE			
Improve Pavement and Lighting, Yellowstone Airport		51,773	Proprietary Funds
		465,957	Federal Special Revenue
DEPARTMENT OF EDUCATION			
Replace Academic Building Roof and Miscellaneous Repairs, Montana School for the Deaf and Blind	339,000		
DEPARTMENT OF FAMILY SERVICES			
Expand Security Fence, Pine Hills School	27,000		
Replace and Repair Roofs, Family Services	127,600		
DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
Remove Underground Storage Tanks, Statewide		150,000	State Special Revenue
Headquarters Maintenance and Improvements, Statewide		85,000	State Special Revenue
Department Property Development, Statewide		360,000	State Special Revenue
State Park Maintenance and Development, Statewide		3,798,500	State Special Revenue
		1,124,500	Federal Special Revenue
Fish Hatchery Maintenance, Statewide		37,500	State Special Revenue
		112,500	Federal Special Revenue
Fishing Access Site Improvements, Statewide		286,000	State Special Revenue
		858,000	Federal Special Revenue
Motorboat Access Facilities, Statewide		67,000	State Special Revenue

		201,000	Federal Special Revenue
Wildlife Habitat Maintenance, Statewide		304,000	State Special Revenue
Waterfowl Habitat Enhancement, Statewide		349,500	State Special Revenue
DEPARTMENT OF HIGHWAYS			
Maintenance Projects, Statewide		450,000	Highways State Special Revenue
Construct and Expand Maintenance and Storage Buildings, Statewide		1,167,600	Highways State Special Revenue
		115,925	Federal Special Revenue
DEPARTMENT OF ~~INSTITUTIONS~~ CORRECTIONS AND HUMAN SERVICES			
Replace Water and Steam Lines, Montana Developmental Center	116,708		
Replace Roofs, Institutions	30,000		
Moisture Protection, Eastmont Human Services Center	98,450		
~~Maintain Roads and Parking Lots, Institutions~~	~~37,625~~		
Montana State Hospital Infrastructure Study	112,375		
Seal Buildings, Montana State Prison	25,000		
Building Improvements, Center for the Aged	105,015		
Replace Multipurpose Building Flooring, Montana State Hospital, Warm Springs	26,800		
Galen Repair Projects	181,000		
DEPARTMENT OF LABOR AND INDUSTRY			
Renovate and Expand Job Service, Great Falls		310,000	Federal Special Revenue
Various Major Maintenance Projects		209,450	Federal Special Revenue
DEPARTMENT OF STATE LANDS			
~~Construct Unit Office, Plains~~	~~235,000~~		
Construct Two Greenhouses, Missoula		191,900	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Kitchen Upgrade, Statewide	~~45,000~~		
	5,000		
Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
Armory Additions and Alterations, Statewide	~~150,000~~	16,155,000	Federal Special Revenue
	1,000		
Acquire Land and Preplan Armory, Billings	150,000	200,000	Federal Special Revenue
Expand Military Vehicle Compounds, Statewide	5,000	275,000	Federal Special Revenue
Federal Spending Authority		300,000	Federal Special Revenue
Libby Armory		827,000	Federal Special Revenue
MONTANA UNIVERSITY SYSTEM			
Primary Electrical Vault Disconnect, Eastern Montana College	31,000	14,000	Auxiliary
Install Fire Alarm System, University of Montana	70,000		
Replace and Improve Roofs, University System	1,154,550	350,000	Plant

Improve Underground Utilities, Phase I, University System	296,000	200,000	Auxiliary
Repair and Improve Heating System, Western Montana College	57,900		
Improve Handicapped Access, University System	335,000		
Replace Carpet, Great Falls Vo-Tech	60,000		
Improve Sidewalks and Fire Access, University System	86,000		
~~Plan Chemistry/Pharmacy Renovations, University of Montana~~	~~50,000~~		
~~Plan Metallurgy Remodel, Montana Tech~~	~~50,000~~		
Window Retrofit Museum Building, Montana Tech	142,000		
Various Improvements, University of Montana		2,584,600	Federal, Higher Education Funds, and/or Donations
Centennial Mall, Montana State University		1,600,000	Plant
Remodel Student Union Building, Western Montana College		600,000	Auxiliary
Construct Engineering/Physical Sciences Complex, Montana State University		~~2,168,200~~ 2,301,200	Higher Education Funds and/or Donations
Life Science Building, University of Montana		12,000,000	Federal Special Revenue
Construct Business Administration Building, University of Montana		1,858,320	Higher Education Funds and/or Donations
Multipurpose Building, Northern Agricultural Research Center	150,000		
Repair Northern Montana College Gymnasium	584,500	1,700,000	Higher Education Funds and/or Donations

~~(2) If House Bill No. 959 is not passed and approved, the appropriation in this section to construct the engineering/physical sciences complex at MSU is $2,668,200 from higher education funds and/or donations.~~

~~(3)~~[2] For purposes of obtaining cash for the construction litigation appropriation authority in [section 6(1)], the architecture and engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project.

~~(4)~~[3] The following money is appropriated to the department of administration in the indicated amounts for the purpose of planning projects described in [section 12] and authorized in [section 13]:

Agency/Project	LRBPF	Other Funding Sources
Preliminary Design for Prison Expansion	$ 877,500	
Preliminary Design, University System:		
Engineering/Physical Sciences, MSU	1,165,290	
Business Administration, UM	604,705	

~~(5)~~[4] ~~(a) If House Bill No. 959 is passed and approved, the~~ The following money is appropriated to the department of administration for the university system:

Agency/Project	LRBPF	Other Funding Sources
University System		
Deferred Maintenance Projects and Equipment Approved		

by the Board of Regents	~~$ 600,000~~	General Fund
	$ 517,500	
Repair Northern Montana College Gymnasium	~~1,300,000~~	General Fund
	633,000	
Equipment for Eastern Montana College	600,000	General Fund
Construct Engineering/Physical Sciences Complex, Montana State University	~~500,000~~	General Fund
	367,000	

~~(b) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature and if House Bill No. 959 is passed and approved, there is appropriated $1,800,000 from the general fund to the university system for deferred maintenance projects and/or equipment as approved by the board of regents. The $1,165,290 appropriation for the engineering/physical sciences complex at MSU and the $604,705 appropriation for the business administration building at UM in [section 6(4)] are void, and LRBPF funds in the amount of $1,769,995 are appropriated to replace the $1,300,000 general fund appropriation for the repairs of the northern Montana college gymnasium in subsection (5), funds in the amount of $400,000 are appropriated to replace the bonding money for the Libby armory in [section 12], and funds in the amount of $69,995 are appropriated to design the remodeling of the Great Falls vocational-technical center.~~

~~(6)~~(5) Amounts not to exceed $490,000 of federal special revenue money and $163,333 of state special revenue money appropriated in the state parks maintenance and development statewide line item under subsection (1) may be added to the line item appropriations for motorboat access facilities statewide under subsection (1) or fishing access site acquisition statewide under [section 8(1)]. ~~This subsection is void if House Bill No. 386 and Senate Bill No. 415 are passed and approved and provide sufficient additional state special revenue money required as state matching funds to fully utilize all of the federal special revenue money provided in subsection (1) in the line item appropriation for state parks.~~"

Section 12. Section 9, Chapter 781, Laws of 1991, is amended to read:

"Section 9. Appellate defender -- appropriation. The following money is appropriated from funds available as provided in 3-5-901(2) to the appellate defender commission for the operation of the commission and the office of appellate defender:

Fiscal year 1992	~~$100,000~~	$ 50,000
Fiscal year 1993		100,000"

Section 13. Section 5, Chapter 816, Laws of 1991, is amended to read:

"Section 5. General fund appropriation. The department of ~~highways~~ justice is appropriated ~~$345,000~~ $317,400 from the general fund in fiscal 1992 and ~~$233,000~~ $214,360 from the general fund in fiscal 1993 to pay a portion of the state retirement contribution for the Montana highway patrol."

Section 14. Section 1, Chapter 820, Laws of 1991, is amended to read:

"Section 1. Appropriation. There is appropriated from the general fund ~~$700,000~~ $644,000 to the department of commerce for the Lewis and Clark national historic trail interpretive center for the biennium ending June 30, 1993. The money, along with the $300,000 of other funds

specified in [section 2], is to be used to match federally appropriated funds on an 8-to-1 basis. The department of commerce shall administer the appropriation to add another tourism destination attraction in Montana. The department of commerce shall distribute the money for planning, design, and all phases of construction for a Lewis and Clark national historic trail interpretive center, as authorized in Public Law 100-552."

NEW SECTION. Section 15. Repealer. Section 7, Chapter 725, Laws of 1991, is repealed.

NEW SECTION. Section 16. Effective date. [This act] is effective on passage and approval.

And, as amended, do pass. Report adopted.

HB 4, introduced bill, do pass. Report adopted.
HB 5, introduced bill, do pass. Report adopted.
HB 6, introduced bill, be amended as follows:

1. Title, line 8.
Following: "61-2-107,"
Insert: "61-2-108,"

2. Page 3, following line 1.
Insert: "Section 2. Section 61-2-108, MCA, is amended to read:

"61-2-108. Funding allocation for programs to prevent or reduce drinking and driving. If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall, to the extent of the appropriation authorized for the purpose specified in this part, transmit the county portion of the proceeds of the license reinstatement fees collected in that county to the county treasurer, as provided in 61-2-107 (2) (a), at the end of each quarter.""

Renumber: subsequent sections

3. Page 10, lines 1 and 3.
Strike: "3"
Insert: "4"

4. Page 10, line 4.
Strike: "4 and 5"
Insert: "5 and 6"

And, as amended, do pass. Report adopted.

HB 7, introduced bill, do pass. Report adopted.
HB 8, introduced bill, be amended as follows:

1. Page 4, line 8.
Following: "(6) On"
Strike: "or before"

2. Page 6, line 10.
Following: "(8) On"

Strike: "or before"

And, as amended, do not pass. Report adopted.

HB 9, introduced bill, do pass. Report adopted.
HB 10, introduced bill, do pass. Report adopted.
HB 12, introduced bill, do pass. Report adopted.
HB 13, introduced bill, be amended as follows:

1. Title, line 12.
Following: "AN"
Strike: "IMMEDIATE"

2. Page 4, line 24.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 1992"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (J. Brown, Chairman): 1/9/92
SB 2, third reading copy, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 1/8/92

HB 1, introduced by Bardanouve

Senate bills passed and transmitted to the House for concurrence: 1/8/92

SB 1, introduced by Harp
SB 2, introduced by Mazurek

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following Senate bills were introduced, read first time, and referred to committee:

SB 1, introduced by Harp, referred to Committee on Taxation
SB 2, introduced by Mazurek, referred to Committee on State Administration

MOTIONS

Representative Darko moved that the 52nd Legislature, pursuant to Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, hereby convene into special session to run concurrently with the special session called by the Governor to allow the consideration of legislation which would allow school districts to issue bonds. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gilbert in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 2 - Representative J. Brown moved SB 2 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Kilpatrick, Measure.
Total 2

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Gilbert moved the adoption of the committee report. Report adopted. (98-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 2 concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison,

Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Kilpatrick, Measure.
Total 2

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gilbert in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Thoft moved HB 2 do pass. Representative Quilici explained Section A of HB 2.

Representative Schye moved HB 2, Section A, second reading copy, be amended as follows (amendment #1):

1. Page A-21, following line 20.
Insert: "State highway commission commissioners cannot be flown to or from highway commission meetings in state-owned aircraft unless documented cost savings over other transportation options can be achieved."

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips,

Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: Kilpatrick, Measure.
Total 2

Absent or not voting: Ellis, Kadas.
Total 2

Representative Schye moved HB 2, Section A, second reading copy, be further amended as follows (amendment #2):

1. Page C-8, following line 24.
Insert: "Fish, wildlife, and parks commission commissioners cannot be flown to or from fish, wildlife, and parks commission meetings in state-owned aircraft unless documented cost savings over other transportation options can be achieved."

Amendment #2 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: Kilpatrick, Measure.
Total 2

Absent or not voting: S. Rice.
Total 1

Representative Schye moved HB 2, Section A, second reading copy, be further amended as follows (amendment #3):

1. Page BP-3, following line 23.
Insert: "The Governor is directed to sell the Governor's airplane for an amount sufficient to deposit approximately $575,000 in the general fund in fiscal 1992 after selling costs."

Amendment #3 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kimberley, Knox, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 61

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Keller, Lee, Mercer, Messmore, T. Nelson, Peterson, Phillips, J. Rice, Simpkins, Spring, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 36

Voted Absentee: Measure, Aye.

Excused: Kilpatrick.
Total 1

Absent or not voting: Kasten, Larson.
Total 2

Representative Schye moved HB 2, Section A, second reading copy, be further amended as follows (amendment #4):

1. Page A-8, line 21.
Strike: "304,575" "146,196"
Insert: "463,655" "126,271"

2. Page A-10, following line 1.
Insert: "The governor's aircraft is to be sold, with the proceeds from the sale to be deposited in the general fund. The appropriation in item 3 includes $175,000 to purchase a new aircraft."

This amendment requires the sale of the Governor's Beechcraft King-Air airplane in fiscal 1992 and replacement with a new aircraft comparable to a Cessna 340, at a purchase price of $175,000. Language added to the bill requires the deposit of the proceeds of the King-Air sale in the general fund, at an anticipated net sale price of $575,000. The net gain to the general fund from the replacement of the King-Air would be $400,000. In addition, $15,920 of operating costs in fiscal and $19,925 in fiscal 1993 would be saved from lower operating costs of a new aircraft (25 percent operating

costs reduction, and funding a co-pilot 50 percent of flight time). Net gain to the general fund in the 1993 biennium from replacement of the King-Air would be $435,845.

Amendment #4 passed as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kasten, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 60

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, R. DeBruycker, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Keller, Lee, Mercer, Messmore, T. Nelson, Peck, Peterson, Phillips, Scott, Simpkins, Spring, Swysgood, Thoft, Thomas, Tunby, Zook.
Total 37

Excused: Kilpatrick, Measure.
Total 2

Absent or not voting: Kadas.
Total 1

Representative Schye moved HB 2, Section A, second reading copy, be further amended as follows (amendment #5):

1. Page A-2, line 25.
Strike: "432,046"
Insert: "444,046"

2. Page A-4, following line 9.
Insert: "State Aircraft Study 12,000"

3. Page A-4, following line 18.
Insert: "Item 1 includes $12,000 for an interim study of state-owned aircraft to determine the most economical method of managing the aircraft. The committee on committees of the senate and the speaker of the house of representatives shall, respectively, appoint four senators and four representatives, two from each party, to serve on the aircraft study interim committee."

This amendment utilizes up to $12,000 of the savings from replacement of the Governor's aircraft for an interim study of state-owned aircraft, by a committee of 8 legislators, supported by the Legislative Council. The committee would study the most economical means of managing the state-owned fleet of aircraft, including the possibility of a state aircraft pool. Net

gain to the general fund from replacing the Governor's aircraft, including the cost of an interim aircraft study, would be $423,845.

Amendment #5 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Forrester, Galvin, Gervais, Gilbert, Grinde, S. J. Hansen, H. S. Hanson, Harrington, J. Johnson, Kadas, Kimberley, Knox, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Messmore, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 73

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, R. DeBruycker, Fagg, Feland, Foster, Gould, Grady, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Lee, McCaffree, Mercer, T. Nelson, Phillips, Swysgood, Thoft, Thomas, Zook.
Total 26

Voted Absentee: Measure, Aye.

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

Representative D. Brown moved HB 2, Section A, second reading copy, be further amended as follows (amendment #6):

1. Page A-16, line 22.
Strike: "845,681 311,771 938,193
212,972"
Insert: "769,234 388,218 731,192
419,973"

2. Page A-17, line 11.
Strike: "305,785 207,001"
Insert: "229,338"

This amendment eliminates funding for the Gambling Control Expansion budget modification in House Bill 2 by 1 April 1992. It eliminates funding for 5.0 existing FTE. This results in a reduction of state special revenue by $283,448 for the biennium. The state special revenue funds are transferred to the Legal Services Division, replacing general fund, resulting in a general fund savings of $283,448.

Amendment #6 passed as follows:

Ayes: Bachini, Beck, Becker, D. Brown, Cobb, Cocchiarella, Cody, Connelly, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Driscoll, Feland, Forrester, Galvin, Gervais, Grinde, S. J. Hansen, Harrington, Hoffman, J. Johnson, Kasten, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Phillips, Quilici, Raney, Ream, Russell, Schye, Scott, Simpkins, Southworth, Squires, Stickney, Swysgood, Thoft, Toole, Whalen, Wyatt.
Total 52

Noes: Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Bradley, Brooke, J. Brown, Clark, Cohen, Cromley, Dowell, Elliott, Ellis, Ellison, Fagg, Foster, Gilbert, Gould, Grady, H. S. Hanson, M. Hanson, Hayne, R. Johnson, Kadas, Keller, Knox, Lee, Measure, Mercer, Messmore, T. Nelson, Peck, Peterson, J. Rice, Spring, Stang, Steppler, Thomas, Tunby, Wallin, Wanzenried, Zook, Mr. Speaker.
Total 45

Voted Absentee: Measure, No.

Excused: Kilpatrick.
Total 1

Absent or not voting: S. Rice, Strizich.
Total 2

Representative McCulloch moved HB 2, Section A, second reading copy, be further amended (amendment #7). Amendment #7 failed as follows:

Ayes: Bachini, Beck, Becker, D. Brown, Cobb, Cody, Cohen, Connelly, Daily, Davis, Dolezal, Ellison, Forrester, Gervais, S. J. Hansen, Harrington, Madison, McCarthy, McCulloch, Measure, Menahan, Nisbet, Raney, Ream, Russell, Schye, Scott, Southworth, Stickney, Strizich, Toole, Whalen.
Total 32

Noes: Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Bradley, Brooke, J. Brown, Clark, Cocchiarella, Cromley, Darko, J. DeBruycker, R. DeBruycker, Driscoll, Elliott, Ellis, Fagg, Feland, Foster, Galvin, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kimberley, Knox, Larson, Lee, McCaffree, Mercer, Messmore, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Phillips, Quilici, J. Rice, Simpkins, Spring, Stang, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.
Total 62

Voted Absentee: Measure, Aye.

Excused: Kilpatrick.
Total 1

Absent or not voting: Dowell, Kadas, O'Keefe, S. Rice, Squires.
Total 5

Representative Kadas moved HB 2, Section A, second reading copy, be further amended as follows (amendment #8):

1. Page A-32, line 17.
Strike: "11,055 10,019"
Insert: "51,834 97,932"

LFA will amend totals

Amendment #8 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Becker, Boharski, Brooke, J. Brown, Cocchiarella, Cohen, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Fagg, Grinde, S. J. Hansen, Harrington, Kadas, Larson, Madison, McCaffree, McCulloch, Measure, Menahan, O'Keefe, Pavlovich, Peck, Raney, Ream, Russell, Schye, Scott, Simpkins, Southworth, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt.
Total 50

Noes: Barnhart, Beck, Benedict, Bergsagel, Bradley, D. Brown, Clark, Cobb, Cody, Ellis, Ellison, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kimberley, Knox, Lee, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Peterson, Phillips, Quilici, J. Rice, S. Rice, Spring, Squires, Swysgood, Thoft, Thomas, Zook, Mr. Speaker.
Total 47

Excused: Kilpatrick.
Total 1

Absent or not voting: Connelly, McCarthy.
Total 2

Representative Kadas moved HB 2, Section A, second reading copy, be further amended as follows (amendment #9):

1. Page A-19, line 7.
Strike: "55,436 54,015"
Insert: "93,315 308,576"

LFA will amend totals.

Amendment #9 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cohen, Connelly, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Galvin, Gervais, Grady, S. J. Hansen, Harrington, J. Johnson, Kadas, Kimberley, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, T. Nelson, O'Keefe, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Scott, Simpkins, Southworth, Squires, Steppler, Stickney, Strizich, Thomas, Toole,

Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 58

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, Clark, Cody, Cromley, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gilbert, Gould, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Mercer, Messmore, Nisbet, Peterson, Phillips, Quilici, J. Rice, Schye, Spring, Stang, Swysgood, Thoft, Tunby, Wallin, Zook.
Total 41

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

Representative Whalen moved HB 2, Section A, second reading copy, be further amended (amendment #10). Amendment #10 failed as follows:

Ayes: Bachini, Becker, D. Brown, J. Brown, Cobb, Cocchiarella, Cohen, Connelly, Daily, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Galvin, Gervais, Harrington, Kimberley, Larson, Madison, McCulloch, Menahan, O'Keefe, Pavlovich, Peck, Raney, S. Rice, Russell, Scott, Simpkins, Southworth, Strizich, Toole, Whalen.
Total 34

Noes: Bardanouve, Barnett, Barnhart, Beck, Benedict, Bergsagel, Boharski, Bradley, Brooke, Clark, Cody, Cromley, Darko, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Lee, McCaffree, McCarthy, Measure, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Peterson, Quilici, Ream, J. Rice, Schye, Spring, Squires, Stang, Steppler, Stickney, Swysgood, Thoft, Thomas, Tunby, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.
Total 64

Excused: Kilpatrick.
Total 1

Absent or not voting: Phillips.
Total 1

Representative Toole moved HB 2, Section A, second reading copy, be further amended (amendment #11). Amendment #11 failed as follows:

Ayes: Bachini, Beck, Becker, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Galvin, Gervais, Harrington, Kadas, Kimberley, Larson, Lee, Madison, McCulloch, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Peck, Raney, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stickney, Strizich, Toole, Whalen, Wyatt, Mr. Speaker.
Total 44

Noes: Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Bradley, Brooke, Clark, Cobb, Cromley, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Knox, McCaffree, McCarthy, Mercer, Messmore, L. Nelson, T. Nelson, Peterson, Phillips, Quilici, Ream, J. Rice, Simpkins, Spring, Stang, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Wanzenried, Zook.
Total 55

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

Debate on Section A closed at this time.

Representative Bradley explained Section B of HB 2.

Representative Bradley moved HB 2, Section B, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dowell, Forrester, Foster, Galvin, Gervais, Harrington, J. Johnson, Madison, McCaffree, McCarthy, Menahan, T. Nelson, O'Keefe, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Schye, Southworth, Squires, Stickney, Strizich, Toole, Wallin, Wanzenried, Wyatt, Mr. Speaker.
Total 43

Noes: Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Cody, Cohen, R. DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, McCulloch, Measure, Mercer, Messmore, L. Nelson, Nisbet, Peck, Peterson, Phillips, J. Rice, Scott, Simpkins, Spring, Stang, Steppler, Swysgood, Thoft, Thomas, Tunby, Zook.
Total 55

Excused: Kilpatrick.
Total 1

Absent or not voting: Whalen.
Total 1

Representative Bradley moved HB 2, Section B, second reading copy, be further amended as follows (amendment #2):

1. Page B-19, line 9.
Strike: "21,097,221 18,666,373"
Insert: "21,330,914 19,594,866"

This amendment increases general fund by $233,693 in fiscal 1992 and $928,493 in fiscal 1993 to reverse implementation of the parental assets rule.

LFA will amend totals.

Amendment #2 passed as follows:

Ayes: Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Fagg, Forrester, Galvin, Gervais, Grady, S. J. Hansen, Harrington, J. Johnson, Kimberley, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Messmore, T. Nelson, O'Keefe, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Southworth, Squires, Stang, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 55

Noes: Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Cody, R. DeBruycker, Driscoll, Elliott, Ellis, Ellison, Feland, Foster, Gilbert, Gould, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Keller, Knox, Mercer, L. Nelson, Nisbet, Peck, Peterson, Phillips, Scott, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 44

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

Debate on Section B closed at this time.

Representative Menahan explained Section D of HB 2.

Representative Menahan moved HB 2, boilerplate, second reading copy, be amended as follows (amendment #1):

1. Page BP-4, line 17.
Following: "1992."
Insert: "The department of corrections and human services shall transfer to the general fund $513,454 from estimated charges for court-ordered evaluations in fiscal 1993."

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Beck, Benedict, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellison, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, Harrington, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Kimberley, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, Nisbet,

Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Scott, Southworth, Spring, Squires, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Whalen, Wyatt, Zook, Mr. Speaker.
Total 71

Noes: Barnett, Barnhart, Becker, Bergsagel, Boharski, Bradley, J. DeBruycker, R. DeBruycker, Fagg, M. Hanson, J. Johnson, Keller, Knox, Larson, Madison, McCaffree, L. Nelson, T. Nelson, O'Keefe, Schye, Simpkins, Stang, Steppler, Tunby, Wallin, Wanzenried.
Total 26

Excused: Kilpatrick.
Total 1

Absent or not voting: Ellis, Lee.
Total 2

Debate on Section D closed at this time.

Representative Peck explained Section E of HB 2.

Representative Harrington moved HB 2, Section E, second reading copy, be amended as follows (amendment #1):

1. Page E-6, line 2.
Strike: "138,585"
Insert: "61,415"

2. Page E-6, line 18.
Strike: "165,008"
Insert: "61,452"

3. Page E-7, line 9.
Strike: "184,276"
Insert: "83,733"

4. Page E-7, line 25.
Strike: "221,327"
Insert: "81,814"

5. Page E-8, line 16.
Strike: "223,985"
Insert: "80,476"

6. Page E-12, line 3.
Strike: "201,569"
Insert: "307,913"

7. Page E-12, line 5.
Strike: "337,220"
Insert: "152,634"

8. Page E-12.

Following: line 5.
Insert: "14. Tuition Increase"
Under Other, 1993
Insert: "6,548,369"

9. Page E-12.
Following: line 21.
Insert: "Item 14 is additional spending authority for tuition revenue. This tuition may, in the discretion of the board of regents, be distributed among agencies of the Montana University System. It is the intent of the 52nd legislature that the board of regents increase total tuition and fee charges at the six university units by no more than $7 per credit hour for resident students and $47 per credit hour for nonresident students, which would raise tuition and fee charges to the equivalent of the average of the peer institutions of the University of Montana and Montana State University."

10. Page E-13, line 21.
Strike: "3,225,856"
Insert: "2,852,474"

11. Page E-15, line 13.
Strike: "3,941,603"
Insert: "2,926,162"

12. Page E-16, line 19.
Strike: "831,464"
Insert: "501,334"

13. Page E-18, line 4.
Strike: "1,198,048"
Insert: "809,386"

14. Page E-19, line 10.
Strike: "688,758"
Insert: "363,630"

15. Page E-20, line 13.
Strike: "396,923"
Insert: "234,363"

16. Page E-22, line 3.
Strike: "854,420"
Insert: "117,419"

17. Page E-22, line 15.
Strike: "329,178"
Insert: "44,746"

18. Page E-23, line 2.
Strike: "79,845"
Insert: "11,068"

19. Page E-23, line 14.
Strike: "144,981"
Insert: "20,054"

20. Page E-25, line 7.
Strike: "25,886"
Insert: "3,818"

Amendment #1 passed as follows:

Ayes: Bachini, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Madison, McCarthy, McCulloch, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 55

Noes: Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Larson, Lee, McCaffree, Mercer, Messmore, L. Nelson, T. Nelson, Peterson, Phillips, J. Rice, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 45

Voted Absentee: Kilpatrick, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Dowell moved HB 2, Section E, second reading copy, be further amended as follows (amendment #2):

1. Page E-3, line 16.
Strike: "1,869,163"
Insert: "2,031,163"

This amendment restores the Special Education Contingency appropriation to the level approved by the 1991 legislature.

Amendment #2 passed as follows:

Ayes: Bachini, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice,

Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 51

Noes: Bardanouve, Barnett, Benedict, Bergsagel, Boharski, J. Brown, Clark, Cobb, R. DeBruycker, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Lee, Mercer, Messmore, T. Nelson, Peterson, Phillips, J. Rice, Simpkins, Steppler, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Zook.
Total 46

Excused: Kilpatrick.
Total 1

Absent or not voting: J. DeBruycker, Spring.
Total 2

Representative Dowell moved HB 2, Section E, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows:

Ayes: Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Forrester, Gervais, S. J. Hansen, Harrington, Kimberley, Larson, Madison, McCarthy, McCulloch, Menahan, L. Nelson, O'Keefe, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 47

Noes: Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Connelly, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Galvin, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Lee, McCaffree, Measure, Mercer, Messmore, T. Nelson, Nisbet, Peck, Peterson, Phillips, J. Rice, Simpkins, Spring, Stang, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 52

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

Debate on Section E closed at this time.

Representative Driscoll moved the Committee rise. Motion carried. House resumed business with Mr. Speaker in chair.

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/9/92
Correctly printed: HB 4, HB 5, HB 6, HB 7, HB 9, HB 10, HB 12, HB 13
Correctly enrolled: HB 1
Examined by the sponsor and found to be correct:
HB 1 - Bardanouve
Signed by the Speaker at 2:10 p.m., 1/9/92: HB 1.
Delivered to the Governor for his approval at 4:27 p.m., 1/9/92: HB 1.

MESSAGES FROM THE SENATE

January 9, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, Montana 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate adopted a motion that the 52nd Legislature pursuant to Article V, Section 6, of the Montana Constitution, and Section 5-3-101, MCA, hereby convene the 52nd Legislature into special session to run concurrently with the special session called by the Governor to allow the consideration of legislation for school districts to issue bonds.

The motion requires an adoption by an affirmative roll call vote of 76 members of the Montana State Legislature.

The Senate vote was as follows:

YEAS - 48
NAYS - 0

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

HB 15, introduced by Cohen, referred to Committee on Appropriations
HB 16, introduced by Cohen, referred to Committee on Appropriations
HB 17, introduced by D. Brown, referred to Committee on Appropriations
HB 18, introduced by Wanzenried, referred to Committee on Appropriations
HB 19, introduced by Harper, referred to Committee on Business

SPECIAL ORDERS OF THE DAY

The following sponsor was added to HB 11: Senator Svrcek.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 10:00 a.m., Friday, January 10, 1992. Motion carried.

House adjourned at 7:10 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

FIFTH LEGISLATIVE DAY

Helena, Montana
January 10, 1992

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Jim Rice. Pledge of Allegiance to the Flag.

Roll call. All members present except Kilpatrick and Larson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the third legislative day, find the same to be correct.

Menahan, Chairman

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/10/92
HB 3, introduced bill, be amended as follows:

1. Title, line 9.
Following:";"
Insert: "RETAINING TIMBER SALE REVENUE FROM TIMBER HARVESTED FROM OTHER TRUST LANDS IN THE TRUST FUND SUPPORTING THE INSTITUTION TO WHICH THE LAND IS GRANTED;"
Following: "SECTIONS"
Insert: "17-3-1003,"
Following: "20-9-431"
Insert: ","

2. Title, line 10.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 1, line 13.
Following: "a"
Insert: "finite"
Following: "resource"
Insert: "to be"

4. Page 2, line 17.
Insert: "Section 2. Section 17-3-1003, MCA, is amended to read:

"17-3-1003. Support of state institutions. (1) For the support and endowment of each state institution, there is annually and perpetually appropriated the income from all permanent endowments therefor and from all land grants as provided by law. All moneys received or collected in connection with such endowments by all higher educational institutions, reformatory, custodial and penal institutions, state hospitals, and sanitariums, for any purpose whatever, except revenues pledged to secure the payment of principal and interest of obligations incurred for the purchase, construction, equipment or improvement of facilities at units of the Montana university system and for the refunding of such obligations or moneys which may constitute temporary deposits, all or part of which may be subject to withdrawal or

repayment, shall be paid over to the state treasurer who shall deposit the same to the credit of the proper fund.

(2) ~~All moneys~~ Except as provided in subsection (3), all money received from the investment of grants of a state institution and all money received from the leasing of lands granted to a state institution shall be deposited with the state treasurer of Montana for each of such institutions, to the credit of the state special revenue fund.

(3) All money received from the sale of timber from lands granted to a state institution must be deposited to the credit of the permanent trust fund for the support of the institution.""

Renumber: subsequent sections

5. Page 4, line 17.
Following: "date"
Insert: "-- termination"

6. Page 4, line 18.
Following: "approval"
Insert: ", and [sections 3 and 4] terminate June 30, 1993"

And, as amended, do pass. Report adopted.

HB 8 - Representative Bardanouve moved the 1/09/92 adverse committee report be adopted. Motion carried.

Ayes: Bachini, Bardanouve, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Fagg, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kimberley, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 55

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Cocchiarella, R. DeBruycker, Driscoll, Elliott, Ellis, Ellison, Feland, Foster, Gilbert, Gould, Grady, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Mercer, Messmore, T. Nelson, Peterson, Phillips, J. Rice, Scott, Simpkins, Spring, Swysgood, Thoft, Thomas, Tunby, Zook.
Total 39

Excused: Kilpatrick, Larson.
Total 2

Absent or not voting: Barnhart, Grinde, Lee, L. Nelson.
Total 4

BILLS (Menahan, Chairman): 1/10/92
Correctly printed: HB 3.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Kimberley explained Section C of HB 2.

Representative Kadas moved HB 2, Section C, second reading copy, be amended as follows (amendment #1):

1. Page C-16, following line 20.
Insert: "Budget Reduction
48,596 83,469"

LFA will amend totals

Decreases the Department of Natural Resources & Conservation general fund appropriation by the amount needed to reduce general fund operations by 5 percent each year.

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Becker, Benedict, Bergsagel, Boharski, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Elliott, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kasten, Lee, Madison, McCaffree, McCulloch, Measure, L. Nelson, Nisbet, Pavlovich, Peck, Raney, Ream, Russell, Schye, Scott, Simpkins, Southworth, Squires, Stickney, Toole, Tunby, Wanzenried, Wyatt.
Total 50

Noes: Barnett, Beck, Bradley, Clark, Cobb, Connelly, Driscoll, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Keller, Kimberley, Knox, McCarthy, Menahan, Mercer, Messmore, T. Nelson, O'Keefe, Peterson, Phillips, Quilici, J. Rice, S. Rice, Spring, Stang, Steppler, Swysgood, Thoft, Thomas, Wallin, Whalen, Zook.
Total 45

Excused: Barnhart, Kilpatrick, Larson.
Total 3

Absent or not voting: Strizich, Mr. Speaker.
Total 2

Representative Wanzenried moved HB 2, Section C, second reading copy, be further amended as follows (amendment #2):

1. Page C-22, line 4.
Strike: "38,959 14,581 38,962 14,582"
Insert: "0 53,540 0 53,544"

LFA will amend totals

This eliminates the general fund appropriation for the International Affairs Coordinator and replaces it with accommodations tax from the Department of Commerce's special revenue account.

2. Page C-26.
Following: line 14
Insert: "The department is authorized to seek and expend private or other funds to replace $77,921 of state special revenue included in item 8f. If the department is successful in securing private or other funds, the accommodations tax state special revenue account appropriation is reduced by $38,959 in fiscal 1992 and $38,962 in fiscal 1993."

Amendment #2 passed as follows:

Ayes: Bachini, Beck, Becker, Brooke, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Fagg, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, R. Johnson, Kadas, Kasten, Kimberley, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Messmore, L. Nelson, T. Nelson, Nisbet, Pavlovich, Peck, Raney, Ream, Russell, Scott, Southworth, Squires, Stang, Steppler, Stickney, Toole, Tunby, Wanzenried, Whalen, Zook, Mr. Speaker.
Total 57

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, D. Brown, Clark, Elliott, Ellis, Ellison, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, Keller, Knox, Lee, Mercer, O'Keefe, Peterson, Phillips, Quilici, J. Rice, S. Rice, Schye, Simpkins, Spring, Swysgood, Thoft, Thomas, Wallin, Wyatt.
Total 38

Excused: Barnhart, Kilpatrick, Larson.
Total 3

Absent or not voting: Bardanouve, Strizich.
Total 2

Representative Wanzenried moved HB 2, Section C, second reading copy, be further amended as follows (amendment #3):

1. Page C-22, line 17.
Strike: "1,296,279"
Insert: "1,096,279"

LFA will amend totals

Reduces by $ 200,000 in fiscal 1993 local impact funds appropriated to the Coal Board.

2. Page BP-4, line 14.
Strike: "$1,500,000"
Insert: "$1,700,000"

Directs the Department of Commerce to retain $ 1,700,000 in the local impact account in fiscal 1993 for reversion to the school equalization account at the end of the biennium.

Amendment #3 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Boharski, Brooke, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, Kadas, Kimberley, Lee, Madison, McCarthy, Measure, Menahan, L. Nelson, Nisbet, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Schye, Southworth, Squires, Strizich, Thomas, Toole, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 52

Noes: Barnett, Becker, Benedict, Bergsagel, Bradley, D. Brown, Clark, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Knox, McCaffree, McCulloch, Mercer, Messmore, T. Nelson, O'Keefe, Peterson, Phillips, J. Rice, Russell, Scott, Simpkins, Spring, Stang, Steppler, Stickney, Swysgood, Thoft, Tunby, Zook.
Total 46

Excused: Kilpatrick, Larson.
Total 2

Absent or not voting: None.
Total 0

Representative Cobb moved HB 2, Section C, second reading copy, be further amended (amendment #4). Motion failed as follows:

Ayes: Barnhart, Beck, Becker, Benedict, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cohen, Connelly, Cromley, Darko, J. DeBruycker, Dolezal, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, M. Hanson, Harrington, Kimberley, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, O'Keefe, Quilici, Raney, Ream, S. Rice, Russell, Schye, Simpkins, Squires, Stang, Stickney, Strizich, Tunby, Wyatt, Mr. Speaker.
Total 47

Noes: Bachini, Bardanouve, Barnett, Bergsagel, Boharski, Cody, Daily, Davis, R. DeBruycker, Dowell, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Lee, Madison, Mercer, Messmore, T. Nelson, Nisbet, Pavlovich, Peck, Peterson, Phillips, J. Rice, Scott,

Southworth, Spring, Steppler, Swysgood, Thoft, Thomas, Toole, Wallin, Wanzenried, Whalen, Zook.
Total 51

Excused: Kilpatrick, Larson.
Total 2

Absent or not voting: None.
Total 0

Representative S. Rice moved HB 2, Section C, second reading copy, be further amended as follows (amendment #5):

1. Page C-25.
Following: line 24
Insert: "b. Local Government Engineering Studies (Line Item)
100,000 (General Funds, FY 1992) 100,000 (Total, FY 1992)"

LFA shall amend totals

2. Page C-26.
Following: line 22
Insert: "Item 23b is a biennial appropriation and appropriates $100,000 general fund for engineering studies for local governments for infrastructure projects for health and public safety-related studies."

Amendment #5 passed as follows:

Ayes: Bachini, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cohen, Connelly, Cromley, Daily, Darko, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, Kadas, Kimberley, Madison, McCarthy, McCulloch, Measure, Menahan, L. Nelson, O'Keefe, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Wanzenried, Wyatt, Mr. Speaker.
Total 50

Noes: Barnett, Bergsagel, Boharski, Clark, Cody, Davis, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Knox, Lee, McCaffree, Mercer, Messmore, T. Nelson, Nisbet, Peck, Peterson, Phillips, J. Rice, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Whalen, Zook.
Total 46

Excused: Kilpatrick, Larson.
Total 2

Absent or not voting: Bardanouve, Benedict.
Total 2

Debate on Section C closed at this time.

Representative Connelly explained Section F of HB 2.

Debate on Section F closed at this time.

Representative Thoft made a substitute motion that HB 2 do not pass as amended.

Representative Driscoll made a substitute motion to all motions pending that HB 2 do pass as amended. Representative Driscoll's substitute motion passed as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Forrester, Galvin, Gervais, Grinde, S. J. Hansen, Harrington, J. Johnson, Kadas, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wanzenried, Wyatt, Mr. Speaker.
Total 55

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Cohen, J. DeBruycker, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, L. Nelson, T. Nelson, Peck, Peterson, Phillips, J. Rice, Simpkins, Spring, Swysgood, Thoft, Thomas, Wallin, Whalen, Zook.
Total 44

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise and report, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved the adoption of the committee report. Report adopted. (54-45)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 passed as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Forrester, Galvin, Gervais, Grinde, S. J. Hansen, Harrington, J. Johnson, Kadas, Kimberley, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Nisbet, Pavlovich, Quilici, Raney, Ream, S.

Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wanzenried, Wyatt, Mr. Speaker.
Total 53

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Cohen, J. DeBruycker, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, McCaffree, Mercer, Messmore, L. Nelson, T. Nelson, O'Keefe, Peck, Peterson, Phillips, J. Rice, Simpkins, Spring, Swysgood, Thoft, Thomas, Wallin, Whalen, Zook.
Total 46

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/10/92
HB 15, introduced bill, be amended as follows:

1. Page 2, lines 20 and 21.
Strike: "of transportation"

And, as amended, do pass. Report adopted.

HB 17, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "$190,000"
Insert: "THE REMAINING CASH BALANCE"

2. Page 2, line 19.
Following: "ON"
Strike: "or before June 30, 1992"
Insert: "June 30, 1993"

3. Page 2, line 20.
Following: "transfer"
Strike: "$190,000"
Following: "fund"
Insert: "the remaining cash balance"

And, as amended, do pass. Report adopted.

HB 18, introduced bill, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

HB 20, introduced by Bardanouve, referred to Committee on Appropriations
HB 21, introduced by Bardanouve, referred to Committee on Appropriations

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 3 - Representative Thoft moved HB 3 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Beck, Benedict, Bergsagel, D. Brown, J. Brown, Clark, Cobb, Cody, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Galvin, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Pavlovich, Peck, Peterson, Phillips, Quilici, J. Rice, S. Rice, Russell, Simpkins, Spring, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Zook, Mr. Speaker.
Total 71

Noes: Barnhart, Becker, Boharski, Bradley, Brooke, Cocchiarella, Cohen, Connelly, Dolezal, Dowell, Forrester, Gervais, Gilbert, Kimberley, Lee, McCaffree, McCulloch, Measure, O'Keefe, Raney, Ream, Schye, Scott, Southworth, Squires, Wanzenried, Whalen, Wyatt.
Total 28

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 4 - Representative Thoft moved HB 4 do pass.

Representative Wallin moved HB 4 be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Bachini, Barnett, Benedict, Boharski, Brooke, Cody, Cohen, Connelly, R. DeBruycker, Dowell, Feland, Forrester, Gould, Grinde, M. Hanson,

Kasten, Keller, Lee, McCaffree, McCulloch, Measure, T. Nelson, Pavlovich, Quilici, S. Rice, Spring, Stang, Steppler, Strizich, Thomas, Tunby, Wallin.
Total 32

Noes: Bardanouve, Barnhart, Beck, Becker, Bergsagel, Bradley, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, S. J. Hansen, H. S. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kimberley, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, L. Nelson, Nisbet, O'Keefe, Peck, Peterson, Phillips, Raney, Ream, J. Rice, Russell, Schye, Scott, Simpkins, Southworth, Squires, Stickney, Swysgood, Thoft, Toole, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 66

Excused: Kilpatrick.
Total 1

Absent or not voting: Ellison.
Total 1

Representative Thoft's motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Benedict, Bergsagel, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Feland, Foster, Galvin, Gervais, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, Nisbet, Peck, Peterson, Phillips, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stickney, Strizich, Swysgood, Thoft, Toole, Tunby, Whalen, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Barnett, Boharski, Bradley, Brooke, Cohen, Connelly, J. DeBruycker, R. DeBruycker, Fagg, Forrester, Gilbert, Lee, McCaffree, McCulloch, Measure, L. Nelson, T. Nelson, O'Keefe, Pavlovich, Quilici, Stang, Steppler, Thomas, Wallin, Wanzenried.
Total 25

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 5 - Representative Thoft moved HB 5 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J.

DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Kilpatrick.
Total 1

Absent or not voting: Grady.
Total 1

HB 7 - Representative Thoft moved HB 7 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Becker, Bergsagel, J. Brown, Clark, Cobb, Cocchiarella, Cohen, Cromley, Davis, R. DeBruycker, Driscoll, Ellison, Feland, Forrester, Foster, Galvin, Gilbert, Gould, Grady, Grinde, H. S. Hanson, Harrington, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mercer, Messmore, T. Nelson, Peck, Peterson, Phillips, Raney, Ream, J. Rice, S. Rice, Russell, Simpkins, Southworth, Squires, Stang, Steppler, Stickney, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.
Total 59

Noes: Barnett, Barnhart, Beck, Benedict, Boharski, Bradley, Brooke, D. Brown, Cody, Connelly, Daily, Darko, J. DeBruycker, Dolezal, Dowell, Elliott, Fagg, Gervais, S. J. Hansen, M. Hanson, J. Johnson, Kimberley, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Schye, Scott, Spring, Strizich, Whalen.
Total 39

Excused: Kilpatrick.
Total 1

Absent or not voting: Ellis.
Total 1

Representative Driscoll moved the committee rise and report, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved the adoption of the committee report. Report adopted. (94-5)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cromley, Daily, Davis, J. DeBruycker, R. DeBruycker, Driscoll, Elliott, Ellis, Ellison, Feland, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, J. Rice, S. Rice, Russell, Scott, Simpkins, Spring, Squires, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Zook, Mr. Speaker.
Total 74

Noes: Boharski, Bradley, Brooke, Cohen, Connelly, Darko, Dolezal, Dowell, Fagg, Forrester, R. Johnson, Kimberley, Lee, McCaffree, McCulloch, Measure, O'Keefe, Ream, Schye, Southworth, Stang, Wanzenried, Whalen, Wyatt.
Total 24

Excused: Kilpatrick.
Total 1

Absent or not voting: Harrington.
Total 1

HB 4 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Benedict, Bergsagel, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Feland, Foster, Galvin, Gervais, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, Nisbet, Peck, Peterson, Phillips, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stickney, Strizich, Swysgood, Thoft, Toole, Tunby, Whalen, Wyatt, Zook, Mr. Speaker.
Total 73

Noes: Barnett, Boharski, Bradley, Cohen, Connelly, J. DeBruycker, R. DeBruycker, Fagg, Forrester, Gilbert, Lee, McCaffree, McCulloch, Measure, L. Nelson, T. Nelson, O'Keefe, Pavlovich, Quilici, Stang, Steppler, Thomas, Wallin, Wanzenried.
Total 24

Excused: Kilpatrick.
Total 1

Absent or not voting: Cody, Harrington.
Total 2

HB 5 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: Kilpatrick.
Total 1

Absent or not voting: Grady, Harrington.
Total 2

HB 7 passed as follows:

Ayes: Bachini, Bardanouve, Becker, Bergsagel, J. Brown, Clark, Cobb, Cocchiarella, Cohen, Cromley, Davis, R. DeBruycker, Driscoll, Ellis, Ellison, Feland, Foster, Galvin, Gilbert, Gould, Grady, Grinde, H. S. Hanson, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mercer, Messmore, T. Nelson, Peterson, Phillips, Raney, Ream, J. Rice, S. Rice, Russell, Simpkins, Southworth, Squires, Stang, Steppler, Stickney, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wyatt, Zook, Mr. Speaker.
Total 56

Noes: Barnett, Barnhart, Beck, Benedict, Boharski, Bradley, Brooke, D. Brown, Cody, Connelly, Daily, Darko, J. DeBruycker, Dolezal, Dowell, Elliott, Fagg, Forrester, Gervais, S. J. Hansen, M. Hanson, J. Johnson, Kimberley, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Schye, Scott, Spring, Strizich, Wanzenried, Whalen.
Total 42

Excused: Kilpatrick.
Total 1

Absent or not voting: Harrington.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/10/92
Correctly printed: HB 18.
Correctly engrossed: HB 3, HB 4, HB 5, HB 7.
Signed by the Speaker at 2:45 p.m., 1/10/92: SB 2.

Representative Driscoll moved the House recess. Motion carried. House recessed. House reconvened. Mr. Speaker in the Chair.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Speaker Pro Tem, D. Brown, in the chair.

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker Pro Tem: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 6 - Representative D. Brown moved consideration of HB 6 be placed below HB 13 on the second reading board. Motion carried.

HB 9 - Representative Thoft moved HB 9 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Davis, O'Keefe.
Total 2

Voted Absentee: Scott, Aye.

Excused: Kilpatrick.
Total 1

Absent or not voting: Clark, Steppler.
Total 2

HB 10 - Representative Thoft moved HB 10 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cohen, Cromley, Daily, Darko, Davis, Dowell, Ellis, Ellison, Feland, Foster, Gervais, Gould, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Keller, Kimberley, Knox, Larson, McCarthy, Measure, Mercer, Messmore, T. Nelson, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Simpkins, Southworth, Spring, Squires, Stickney, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Zook.
Total 64

Noes: Becker, Benedict, Bergsagel, Boharski, Bradley, Cody, Connelly, J. DeBruycker, R. DeBruycker, Dolezal, Driscoll, Elliott, Fagg, Forrester, Galvin, Gilbert, Grady, Kasten, Lee, Madison, McCaffree, McCulloch, Menahan, L. Nelson, Nisbet, O'Keefe, Schye, Scott, Stang, Steppler, Strizich, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 35

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 12 - Representative Connelly moved HB 12 do pass.

Representative Measure moved HB 12 be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Brooke, J. Brown, Cohen, Connelly, Davis, J. DeBruycker, Dolezal, Dowell, Galvin, Gervais, S. J. Hansen, J. Johnson, Kadas, Kimberley, Larson, McCaffree, McCulloch, Measure, L. Nelson, O'Keefe, Peck, Raney, Ream, Russell, Scott, Southworth, Squires, Stang, Stickney, Strizich, Toole, Wanzenried, Whalen, Mr. Speaker.
Total 37

Noes: Barnett, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, D. Brown, Clark, Cobb, Cocchiarella, Cody, Daily, Darko, R. DeBruycker, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Madison, McCarthy, Menahan, Mercer, Messmore, T. Nelson, Nisbet, Pavlovich, Peterson, Phillips, Quilici, J. Rice, S. Rice, Schye, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Wyatt, Zook.
Total 61

Excused: Kilpatrick.
Total 1

Absent or not voting: Cromley.
Total 1

Representative Connelly's motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Kasten, Kimberley, Knox, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Boharski, Ellis, Keller, Lee, McCaffree, Strizich.
Total 6

Excused: Kilpatrick.
Total 1

Absent or not voting: Hoffman.
Total 1

HB 13 - Representative Connelly moved HB 13 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gould, Grady, Grinde, S. J. Hansen, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Madison, McCarthy, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, S. Rice, Russell, Schye, Simpkins, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Boharski, Gilbert, H. S. Hanson, Lee, McCaffree, McCulloch, J. Rice, Scott, Southworth.
Total 9

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 6 - Representative Thoft moved HB 6 do pass.

Representative D. Brown moved HB 6 be amended (amendments #1 and #2). Amendment #1 failed as follows:

Ayes: Barnhart, Beck, Becker, Bradley, D. Brown, J. Brown, Cocchiarella, Cohen, Connelly, Daily, Darko, J. DeBruycker, Dolezal, Dowell, Driscoll, Fagg, Forrester, Gervais, S. J. Hansen, Harrington, J. Johnson, Kimberley, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Squires, Stang, Stickney, Strizich, Swysgood, Toole, Wanzenried, Whalen, Mr. Speaker.
Total 47

Noes: Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Brooke, Clark, Cobb, Cody, Cromley, Davis, R. DeBruycker, Elliott, Ellis, Ellison, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Measure, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Peterson, Phillips, J. Rice, Simpkins, Southworth, Spring, Steppler, Thoft, Thomas, Tunby, Wallin, Wyatt, Zook.
Total 51

Excused: Kilpatrick.
Total 1

Absent or not voting: Galvin.
Total 1

Amendment #2 failed as follows:

Ayes: Barnhart, Beck, Becker, Bradley, D. Brown, J. Brown, Cocchiarella, Cody, Connelly, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, Kimberley, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Swysgood, Toole, Whalen, Mr. Speaker.
Total 48

Noes: Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Brooke, Clark, Cobb, Cohen, Cromley, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Measure, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Peterson, Phillips, J. Rice, Simpkins, Spring, Steppler, Thoft, Thomas, Tunby, Wallin, Wanzenried, Wyatt, Zook.
Total 51

Excused: Kilpatrick.
Total 1

Absent or not voting: None.
Total 0

Representative Thoft's motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Beck, Benedict, Bergsagel, Brooke, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, McCarthy, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Pavlovich, Peck, Peterson, Phillips, Raney, Ream, J. Rice, Russell, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.
Total 80

Noes: Barnhart, Becker, Boharski, Bradley, D. Brown, Connelly, Forrester, Galvin, Lee, Madison, McCaffree, McCulloch, O'Keefe, Quilici, Schye, Scott, Strizich, Whalen.
Total 18

Excused: Kilpatrick.
Total 1

Absent or not voting: S. Rice.
Total 1

HB 15 - Representative Cohen moved HB 15 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Brooke, J. Brown, Cobb, Cohen, Connelly, Cromley, Daily, Darko, Dolezal, Dowell, Driscoll, Forrester, Gervais, Gould, S. J. Hansen, Hoffman, J. Johnson, Kadas, Kimberley, Knox, Larson, Madison, McCarthy, Measure, Menahan, Messmore, Nisbet, Pavlovich, Peck, Quilici, Ream, Russell, Simpkins, Southworth, Squires, Strizich, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Mr. Speaker.
Total 48

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, D. Brown, Clark, Cody, Davis, J. DeBruycker, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grinde, H. S. Hanson, Hayne, R. Johnson, Kasten, Keller, Lee, McCaffree, McCulloch, Mercer, L. Nelson, T. Nelson, O'Keefe, Peterson, Phillips, Raney, J. Rice, S. Rice, Schye, Scott, Spring, Stang, Steppler, Stickney, Swysgood, Wyatt, Zook.
Total 47

Excused: Harrington, Kilpatrick.
Total 2

Absent or not voting: Cocchiarella, M. Hanson, Thoft.
Total 3

HB 17 - Representative D. Brown moved HB 17 be amended (amendment #1). Amendment #1 read as follows:

1. Page 3, line 1.
Strike: "1992"
Insert: "1993"

Amendment #1 carried as follows:

Ayes: Bachini, Barnett, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Feland, Forrester, Foster, Galvin, Gervais, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Fagg, Gilbert, R. Johnson.
Total 3

Excused: Harrington, Kilpatrick.
Total 2

Absent or not voting: Bardanouve, Barnhart, Ellison, Thoft.
Total 4

Representative D. Brown moved that HB 17 do pass as amended. Motion carried as follows:

Ayes: Bachini, Bardanouve, Beck, Becker, Benedict, Bergsagel, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Feland, Forrester, Galvin, Gervais, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Messmore, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thomas, Toole, Tunby, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 80

Noes: Barnett, Barnhart, Boharski, Bradley, Clark, Cody, R. DeBruycker, Fagg, Foster, Gilbert, R. Johnson, Keller, Lee, Mercer, T. Nelson, Wallin.
Total 16

Excused: Harrington, Kilpatrick.
Total 2

Absent or not voting: S. Rice, Thoft.
Total 2

HB 18 - Representative Wanzenried moved HB 18 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Benedict, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Keller, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thomas, Toole, Tunby, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Barnett, Bergsagel, Boharski, R. DeBruycker, Kasten, Lee, Spring, Wallin.
Total 8

Excused: Harrington, Kilpatrick.
Total 2

Absent or not voting: Bradley, Simpkins, Thoft.
Total 3

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Speaker Pro Temp D. Brown in the Chair. Chairman Ream moved the adoption of the committee report. Report adopted. (86-10)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 6 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Beck, Benedict, Bergsagel, J. Brown, Clark, Cobb, Cocchiarella, Cohen, Cromley, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R.

Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Madison, McCarthy, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Peck, Peterson, Phillips, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wyatt, Zook.
Total 78

Noes: Barnhart, Becker, Boharski, Bradley, Brooke, D. Brown, Cody, Connelly, Daily, Lee, McCaffree, McCulloch, O'Keefe, Pavlovich, Quilici, Strizich, Wanzenried, Whalen.
Total 18

Excused: Harrington, Kilpatrick, Mr. Speaker.
Total 3

Absent or not voting: Scott.
Total 1

HB 9 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook.
Total 96

Noes: Davis.
Total 1

Excused: Kilpatrick, Mr. Speaker.
Total 2

Absent or not voting: Stang.
Total 1

HB 10 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Brooke, J. Brown, Clark, Cobb, Cocchiarella, Cohen, Cromley, Daily, Darko, Davis, Dowell, Ellis, Ellison, Feland, Foster, Galvin, Gervais, Gould, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Keller, Kimberley, Knox, Larson, McCarthy, Measure, Mercer, Messmore, Nisbet, Pavlovich, Peck, Peterson, Phillips, Quilici, J. Rice, S. Rice, Russell,

Simpkins, Southworth, Spring, Squires, Stickney, Swysgood, Thoft, Thomas, Toole, Tunby, Zook.
Total 59

Noes: Barnett, Becker, Benedict, Bergsagel, Boharski, Bradley, D. Brown, Cody, Connelly, J. DeBruycker, R. DeBruycker, Dolezal, Driscoll, Elliott, Fagg, Forrester, Gilbert, Grady, Kasten, Lee, Madison, McCaffree, McCulloch, Menahan, L. Nelson, T. Nelson, O'Keefe, Raney, Ream, Schye, Scott, Stang, Steppler, Strizich, Wallin, Wanzenried, Whalen, Wyatt.
Total 38

Excused: Harrington, Kilpatrick, Mr Speaker.
Total 3

Absent or not voting: None.
Total 0

HB 12 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Kimberley, Knox, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook.
Total 92

Noes: Boharski, Ellis, Keller, Lee, McCaffree.
Total 5

Excused: Harrington, Kilpatrick, Mr. Speaker.
Total 3

Absent or not voting: None.
Total 0

HB 13 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Madison, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice,

Russell, Schye, Simpkins, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook.
Total 89

Noes: Bergsagel, Boharski, Gilbert, S. J. Hansen, Lee, McCaffree, Scott, Southworth.
Total 8

Excused: Harrington, Kilpatrick, Mr. Speaker.
Total 3

Absent or not voting: None.
Total 0

HB 15 failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Brooke, J. Brown, Cobb, Cocchiarella, Cohen, Connelly, Cromley, Daily, Darko, Dolezal, Dowell, Driscoll, Forrester, Gervais, Gould, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Knox, Larson, Madison, McCarthy, Measure, Menahan, Nisbet, Peck, Quilici, Ream, Russell, Simpkins, Southworth, Squires, Thomas, Toole, Tunby, Wanzenried.
Total 43

Noes: Barnett, Becker, Benedict, Bergsagel, Boharski, Bradley, D. Brown, Clark, Cody, Davis, J. DeBruycker, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Lee, McCaffree, McCulloch, Mercer, Messmore, L. Nelson, T. Nelson, O'Keefe, Pavlovich, Peterson, Raney, J. Rice, S. Rice, Schye, Scott, Spring, Stang, Steppler, Stickney, Swysgood, Thoft, Wallin, Whalen, Wyatt, Zook.
Total 54

Excused: Mr. Speaker.
Total 1

Absent or not voting: Phillips, Strizich.
Total 2

HB 17 passed as follows:

Ayes: Bachini, Bardanouve, Beck, Becker, Benedict, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Feland, Forrester, Galvin, Gervais, Gould, Grady, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, Kadas, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Menahan, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wanzenried, Whalen, Wyatt, Zook.
Total 77

Noes: Barnett, Barnhart, Bergsagel, Boharski, Bradley, Clark, Cody, R. DeBruycker, Fagg, Foster, Gilbert, Grinde, R. Johnson, Kasten, Keller, Lee, Measure, Mercer, J. Rice, Wallin.
Total 20

Excused: Harrington, Kilpatrick, Mr. Speaker.
Total 3

Absent or not voting: None.
Total 0

HB 18 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Benedict, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Gould, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Keller, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wanzenried, Whalen, Wyatt, Zook.
Total 86

Noes: Barnett, Bergsagel, Boharski, Bradley, R. DeBruycker, Kasten, Lee, Raney, Spring, Wallin.
Total 10

Excused: Harrington, Kilpatrick, Mr. Speaker.
Total 3

Absent or not voting: Mercer.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 1:30 p.m., Monday, January 13, 1992. Motion carried.

House adjourned at 4:10 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

SIXTH LEGISLATIVE DAY

Helena, Montana
January 13, 1992

House Chambers
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Reverend George Harper. Pledge of Allegiance to the Flag.

Roll call. All members present except Brooke, Gould, Kilpatrick, and Toole excused. Quorum present.

ANNOUNCEMENTS

Speaker Harper introduced this week's pages:

Doug Stiles, Clancy
Sarah Bowles, Townsend
Kendra Strobel, Bozeman
Stuart Crane, Helena
Matt Hartnett, Helena
Brenda Lien, Belgrade

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/13/92
HB 21, introduced bill, do pass. Report adopted.

TAXATION (Harrington, Chairman): 1/13/92
HB 14, introduced bill, be amended as follows:

1. Page 7, line 3.
Strike: "difference between the"

2. Page 7, line 7.
Strike: "and to"
Insert: "less"

3. Page 8, line 11.
Strike: "difference between the"
Strike: "and"
Insert: "less"

And, as amended, do pass. Report adopted.

BILLS (Menahan, Chairman): 1/13/92
Correctly printed: HB 14, HB 21.
Correctly engrossed: HB 6, HB 9, HB 10, HB 12, HB 13, HB 17, HB 18.

Representative Driscoll moved the House recess until 3:00 p.m. Motion carried.

House recessed at 1:45 p.m.

House reconvened at 3:00 p.m. Speaker Harper in the Chair.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/13/92
HB 11, introduced bill, be amended as follows:

1. Title, line 5.
Following: "DIRECT"
Strike: remainder of line 5 in its entirety

2. Title, lines 6 and 7.
Following: "A" on line 6
Strike: remainder of line 6 through "REVENUE" on line 7
Insert: "PROJECTED GENERAL FUND BUDGET DEFICIT"

3. Title, line 8.
Following: "REDUCE"
Insert: "GENERAL FUND"
Following: "SPENDING;"
Insert: "PROVIDING PROCEDURES TO BE USED IN DETERMINING WHEN A PROJECTED GENERAL FUND BUDGET DEFICIT EXISTS AND IN ESTABLISHING REDUCTIONS IN GENERAL FUND SPENDING; CLARIFYING THAT REVERSIONS FROM ALL GENERAL FUND APPROPRIATIONS THAT RESULT FROM REDUCTIONS IN SPENDING MUST REVERT TO THE GENERAL FUND;"
Following: "TERM"
Strike: ""SHORTFALL IN REVENUE""
Insert: ""PROJECTED GENERAL FUND BUDGET DEFICIT""

4. Title, line 9.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "17-7-140"
Insert: "AND 17-7-304"

5. Title, line 10.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

6. Page 1, line 18.
Following: "a"
Strike: "shortfall in revenue"
Insert: "projected general fund budget deficit"

7. Page 1, line 19.
Following: "governor"
Insert: ", taking into account the criteria provided in subsection (1)(b),"
Following: "direct"
Strike: "executive branch"

8. Page 1, lines 20 and 21.
Following: "amount" on line 20
Strike: remainder of line 20 through "revenue" on line 21
Insert: "not to exceed the projected general fund budget deficit"

9. Page 1, lines 22 and 23.
Following: "reduce"
Insert: "general fund"
Following: "any" on line 22
Strike: remainder of line 22 through "item" on line 23
Insert: "program, as defined in each general appropriations act,"
Following: "than" on line 23
Strike: "15%"
Insert: "10% during a biennium"
Following: "."
Insert: "The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%."

10. Page 1, line 25 through page 2, line 2.
Following: "reduce"
Insert: "general fund"
Following: "expenditures" on page 1, line 25
Strike: remainder of line 25 through "revenue" on page 2, line 2

11. Page 2, line 3.
Following: "amount"
Strike: "equal to the shortfall in revenue"
Insert: "not to exceed the projected general fund budget deficit"

12. Page 2, line 5.
Following: "program"
Strike: "funded by an itemized"
Insert: "that receives a general fund"

13. Page 2, line 8.
Following: "."
Insert: "An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending."
Following: "shall"
Strike: "use"

Insert: "consider"

14. Page 2, line 9.
Following: "analysis"
Insert: "and the recommendations of the office of budget and program planning and the legislative finance committee"
Following: "."
Insert: "Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities."

15. Page 2, line 19.
Following: "(3)"
Insert: "(a)"
Following: ","
Strike: ""shortfall in revenue""
Insert: ""projected general fund budget deficit""

16. Page 2, line 20.
Following: "an amount"
Insert: ", certified by the budget director to the governor, of the projected ending general fund balance for the biennium of less than 2% of all general fund appropriations during the biennium or 2% of the general fund appropriations for the second fiscal year of the biennium. In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid, and anticipated reversions.

(b) If the budget director determines that an amount of actual or projected receipts will result in an amount"

17. Page 2, line 21.
Following: "received"
Strike: "in a revenue category as determined"

18. Page 2, line 22.
Following: "5-18-107"
Insert: ", the budget director shall notify the revenue oversight committee of the estimated amount. Within 20 days of notification, the revenue oversight committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue oversight committee prior to certifying a projected general fund budget deficit to the governor"

19. Page 2, line 23.
Following: line 22
Insert: "(4) This section does not limit the authority of the governor or the legislature to call a special session of the legislature.

Section 2. Section 17-7-304, MCA, is amended to read:

"17-7-304. Disposal of unexpended appropriations. (1) All ~~moneys~~ money appropriated for any specific purpose except those appropriated for the university system units listed in subsection (2) shall, after the expiration of the time for which ~~so~~ appropriated, revert to the several funds and accounts from which originally appropriated. However, any unexpended balance in any specific appropriation may be used for the years for which the appropriation was made.

(2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for the university of Montana at Missoula, Montana state university at Bozeman, Montana college of mineral science and technology at Butte, eastern Montana college at Billings, northern Montana college at Havre, western Montana college of the university of Montana at Dillon, the agricultural experiment station with central offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the cooperative extension service with central offices at Bozeman, the bureau of mines and geology with central offices in Butte, and the vocational-technical centers at Billings, Butte, Great Falls, Helena, and Missoula must, after the expiration of the time for which appropriated, revert to an account held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases prepared by the affected university system units and approved by the board of regents. The affected university system units may, with the approval of the board of regents, modify the long-term plan at any time to address changing needs and priorities. The board of regents shall communicate the plan to each legislature, to the finance committee when requested by the committee, and to the office of budget and program planning.

(3) Subsection (2) does not apply to reversions that are the result of a reduction in spending directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending directed by the governor must revert to the fund or account from which it was originally appropriated. (Subsection (2) terminates June 30, 1996--sec. 23, Ch. 787, L. 1991.""

20. Page 2, line 23.
Following: "date"
Insert: "-- termination"

21. Page 2, line 24.
Following: "approval"
Insert: ", and [section 2] terminates June 30, 1996"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, Montana 59620

January 13, 1992

Dear Speaker Harper:

Please be informed that I have signed House Bill 1 on January 13, 1992.

Sincerely,

STAN STEPHENS
Governor

MOTIONS

Representative Kadas moved the House reconsider its action on HB 15. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, Hoffman, J. Johnson, Kadas, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stickney, Strizich, Wanzenried, Mr. Speaker.
Total 52

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, Clark, J. DeBruycker, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, R. Johnson, Kasten, Keller, Lee, McCulloch, Mercer, Messmore, L. Nelson, T. Nelson, Peterson, Phillips, Raney, J. Rice, Simpkins, Spring, Stang, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Whalen, Wyatt, Zook.
Total 43

Excused: Brooke, Gould, Kilpatrick, Toole.
Total 4

Absent or not voting: Grady.
Total 1

Representative Kadas moved HB 15 be rereferred to the committee on Appropriations. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Forrester, Galvin, Gervais, Grady, Grinde, S. J. Hansen, M. Hanson, Harrington, Hoffman, J. Johnson, R. Johnson, Kadas, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, L.

Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Thoft, Thomas, Tunby, Wallin, Wanzenried, Whalen, Zook, Mr. Speaker.
Total 74

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, Clark, R. DeBruycker, Feland, Foster, Gilbert, H. S. Hanson, Hayne, Kasten, Keller, Lee, Measure, Messmore, T. Nelson, Simpkins, Spring, Swysgood, Wyatt.
Total 22

Excused: Brooke, Gould, Kilpatrick, Toole.
Total 4

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swysgood in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 14 - Representative Gibert moved HB 14 do pass.

Representative Cohen moved HB 14 be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Becker, Cocchiarella, Cohen, Connelly, Darko, Dowell, Gervais, S. J. Hansen, Kadas, Larson, McCulloch, T. Nelson, Raney, S. Rice, Russell, Stang.
Total 16

Noes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Benedict, Bergsagel, Boharski, Bradley, D. Brown, J. Brown, Clark, Cobb, Cody, Cromley, Daily, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Driscoll, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gilbert, Grady, Grinde, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kasten, Keller, Kimberley, Knox, Lee, Madison, McCaffree, McCarthy, Measure, Menahan, Mercer, Messmore, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, J. Rice, Schye, Scott, Simpkins, Southworth, Spring, Squires, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 78

Excused: Brooke, Gould, Kilpatrick, Toole.
Total 4

Absent or not voting: Elliott, Ream.
Total 2

Representative Gilbert's motion carried as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, J. Brown, Cobb, Cody, Cromley, Daily, Darko, Davis, Dolezal, Driscoll, Ellison, Fagg, Foster, Galvin, Gilbert, Gould, Grinde, H. S. Hanson, M. Hanson, Harrington, Hoffman, J. Johnson, R. Johnson, Kadas, Kilpatrick, Kimberley, Larson, McCarthy, Menahan, Mercer, L. Nelson, T. Nelson, Nisbet, Peterson, Ream, J. Rice, Russell, Schye, Southworth, Spring, Squires, Stickney, Toole, Tunby, Zook, Mr. Speaker.
Total 51

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, D. Brown, Clark, Cocchiarella, Cohen, Connelly, J. DeBruycker, R. DeBruycker, Dowell, Elliott, Ellis, Feland, Forrester, Gervais, Grady, S. J. Hansen, Hayne, Kasten, Keller, Knox, Lee, Madison, McCaffree, McCulloch, Measure, Messmore, O'Keefe, Pavlovich, Peck, Phillips, Quilici, Raney, S. Rice, Scott, Simpkins, Stang, Steppler, Strizich, Swysgood, Thoft, Thomas, Wallin, Wanzenried, Whalen, Wyatt.
Total 49

Voted Absentee: Brooke, Gould, Kilpatrick, Toole, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 21 - Representative Bardanouve moved HB 21 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Benedict, Bergsagel, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Forrester, Galvin, Gervais, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Madison, McCarthy, Measure, Menahan, Mercer, Messmore, L. Nelson, Nisbet, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Schye, Scott, Southworth, Spring, Squires, Steppler, Stickney, Strizich, Swysgood, Toole, Tunby, Wallin, Wanzenried, Whalen, Zook, Mr. Speaker.
Total 76

Noes: Barnett, Boharski, Bradley, Clark, Cohen, Connelly, R. DeBruycker, Fagg, Feland, Foster, R. Johnson, Lee, McCaffree, McCulloch, T. Nelson, O'Keefe, Phillips, Russell, Simpkins, Stang, Thoft, Thomas, Wyatt.
Total 23

Voted Absentee: Brooke, Kilpatrick, Toole, Ayes.

Excused: Gould.
Total 1

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swysgood moved the adoption of the committee report. Report adopted. (71-24)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 14 passed as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, J. Brown, Cobb, Cody, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Driscoll, Ellison, Fagg, Foster, Galvin, Gilbert, Gould, Grinde, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kilpatrick, Kimberley, Larson, McCarthy, Menahan, Mercer, L. Nelson, T. Nelson, Nisbet, Peterson, J. Rice, Russell, Schye, Scott, Southworth, Spring, Squires, Stickney, Toole, Tunby, Zook, Mr. Speaker.
Total 53

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, D. Brown, Clark, Cocchiarella, Cohen, Connelly, R. DeBruycker, Dowell, Elliott, Ellis, Feland, Forrester, Gervais, Grady, S. J. Hansen, Kasten, Keller, Knox, Lee, Madison, McCaffree, McCulloch, Measure, Messmore, O'Keefe, Pavlovich, Peck, Phillips, Quilici, Raney, Ream, S. Rice, Simpkins, Stang, Steppler, Strizich, Swysgood, Thoft, Thomas, Wallin, Wanzenried, Whalen, Wyatt.
Total 47

Voted Absentee: Brooke, Gould, Kilpatrick, Toole, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 21 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Benedict, Bergsagel, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Forrester, Galvin, Gervais, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, L. Nelson, Nisbet, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Schye, Scott, Southworth, Spring,

Squires, Steppler, Stickney, Strizich, Swysgood, Toole, Tunby, Wallin, Wanzenried, Zook, Mr. Speaker.
Total 74

Noes: Barnett, Boharski, Bradley, Clark, Cohen, Connelly, R. DeBruycker, Fagg, Feland, Foster, R. Johnson, Lee, McCaffree, McCulloch, Measure, T. Nelson, O'Keefe, Phillips, Russell, Simpkins, Stang, Thoft, Thomas, Whalen, Wyatt.
Total 25

Voted Absentee: Brooke, Kilpatrick, Toole, Ayes.

Excused: Gould.
Total 1

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

HJR 2, introduced by Bardanouve, referred to Committee on Appropriations.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House recess until 6:00 p.m. Motion carried.

House recessed at 4:00 p.m.

House reconvened at 6:00 p.m. Speaker Harper in the Chair.

REPORTS OF STANDING COMMITTEES

BUSINESS AND ECONOMIC DEVELOPMENT (Bachini, Chairman):
HB 19, introduced bill, be amended as follows: 1/13/92

1. Page 2, line 4.
Page 2, line 5.
Page 5, line 16.
Strike: "9"
Insert: "8"

2. Page 2, line 7.
Following: line 6
Insert: "(a) "Infrastructure projects" means:
(i) drinking water systems;

(ii) wastewater treatment;

(iii) sanitary sewer or storm sewer systems;

(iv) solid waste disposal and separation systems, including site acquisition, preparation, or monitoring; or

(v) bridges.

(b) "Local government" means an incorporated city or town, a county, or a consolidated local government."

Renumber: subsequent subsections

3. Page 3, line 18.
Strike: "9"
Insert: "8"

4. Page 4, line 18.
Following: "on"
Strike: remainder of line 18 in its entirety
Insert: "July 1, 1993,"

5. Page 4, lines 19 and 20.
Following: "on" on line 19
Strike: "[]"
Following: "June 30"
Strike: remainder of line 19 through "]" on line 20
Insert: ", 2013"

6. Page 5, line 10.
Strike: "sections"
Insert: "section"
Strike: "and 7"

7. Page 5, line 22 through page 6, line 4.
Strike: section 6, line 22 through page 6, line 4
Insert: "NEW SECTION. Section 6. Priorities for projects -- procedure. (1) The department of commerce must receive proposals for projects from local governments as defined in [section 1(3)(b)]. The department shall work with a local government in preparing cost estimates for a project. In reviewing project proposals, the department may consult with other state agencies with expertise pertinent to the proposal. The department shall prepare and submit a list containing the recommended projects and the recommended form of financial assistance for each project to the governor, prioritized pursuant to subsection (2). The governor shall review the projects recommended by the department of natural resources and conservation under Title 85, chapter 1, part 6, and shall submit a list of recommended projects and the recommended financial assistance to the legislature.

(2) In preparing recommendations under subsection (1), preference must be given to projects based on the following order of priority:

(a) projects that solve urgent and serious public health or safety problems;

(b) projects that enable local governments to meet state or federal health or safety standards;

(c) projects that enable local governments to obtain funds from sources other than the funds provided under [sections 1, 2, and 5 through 8];

(d) projects that provide long-term, full-time job opportunities for Montanans;

(e) projects that provide public facilities necessary for the expansion of a business that has a high potential for financial success;

(f) projects that result in a benefit to the public commensurate with the amount of financial assistance;

(g) projects that reflect greater need for financial assistance than other projects;

(h) projects that maintain the tax base or that do not discourage expansion of the tax base; and

(i) projects that are high local priorities and have strong community support."

Renumber: subsequent subsection and subsequent sections

8. Page 6, line 5.
Strike: "screening and"

9. Page 6, line 11.
Following: "on"
Strike: "["

10. Page 6, line 12.
Following: "following the"
Strike: "effective date of this act]"
Insert: "initial transfer to the fund, as provided in [section 10]"

11. Page 6, line 18.
Strike: "11"
Insert: "10"

12. Page 7, line 1.
Strike: "7(1)"
Insert: "6"

And, as amended, do pass. Report adopted.

TAXATION (Harrington, Chairman): 1/13/92
HJR 1, introduced bill, be amended as follows:

1. Page 5, line 20.

Strike: "	0.000%	0.000%	0.000%"
Insert: "	5.570%	4.440%	4.300%"

2. Page 6, line 9.

Strike: "	$13.517	$14.640"
Insert: "	$14.077	$15.597"

3. Page 6, line 11.

Strike: "	$8.239	$8.174"

Insert: "	$10.155	$11.257"	

4. Page 8, line 21.

Strike: "	$195.463000	$196.825000	$392.288000"
Insert: "	$197.010000	$199.435000	$396.445000"

5. Page 8, line 22.

Strike: "	31.349000	34.089000	65.438000"
Insert: "	32.517000	35.970000	68.487000"

6. Page 9, line 3.

Strike: "	41.849000	42.444000	84.293000"
Insert: "	42.264000	43.129000	85.343000"

7. Page 9, line 7.

Strike: "	4.363000	8.664000"
Insert: "	5.363000	9.664000"

8. Page 9, line 24.

Strike: "	$463.405000	$471.738000	$935.143000"
Insert: "	$467.535000	$467.914000	$944.449000"

9. Page 10, line 8.

Strike: "	$88.705000	$89.323000	$178.028000"
Insert: "	$89.407000	$90.508000	$179.915000"

10. Page 10, line 9.

Strike: "	14.647000	15.927000	30.574000"
Insert: "	15.193000	16.806000	31.999000"

11. Page 10, line 21.

Strike: "	$261.677000	$258.697000	$520.374000"
Insert: "	$262.925000	$260.761000	$523.686000"

12. Page 11, line 14.

Strike: "	$373.217000	$366.918000	$740.135000"
Insert: "	$374.465000	$368.982000	$743.447000"

And, as amended, do pass. Report adopted.

BILLS (Menahan, Chairman): 1/13/92
Correctly printed: HB 11, HB 19, HJR 1.
Correctly engrossed: HB 14, HB 21.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swysgood in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 11 - Representative Bardanouve moved HB 11 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, J. Brown, Clark, Cobb, Cody, Connelly, Cromley, Darko, Davis, J. DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Galvin, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Peterson, Phillips, Raney, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Thomas, Tunby, Wallin, Zook, Mr. Speaker.
Total 72

Noes: D. Brown, Cocchiarella, Cohen, Daily, R. DeBruycker, Dowell, Forrester, Gervais, S. J. Hansen, Harrington, McCulloch, Measure, Menahan, Pavlovich, Peck, Quilici, Ream, Strizich, Swysgood, Thoft, Wanzenried, Whalen, Wyatt.
Total 23

Voted Absentee: Benedict, Fagg, Ayes.

Excused: Brooke, Gould, Grady, Kilpatrick, Toole.
Total 5

Absent or not voting: None.
Total 0

HJR 1 - Representative Gilbert moved HJR 1 do pass.

Representative Ream moved HJR 1 be amended (amendment #1). Amendment #1 read as follows:

1. Page 5, line 21.

Strike: "	5.570%	4.440%	4.300%"
Insert: "14.000%		12.000%	10.000%"

LFA will adjust totals.

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Ellison, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Steppler, Stickney, Strizich, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 54

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, Clark, Cobb, R. DeBruycker, Elliott, Ellis, Feland, Foster, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, T. Nelson, Peterson, Phillips, Raney, J. Rice, Simpkins, Spring, Stang, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 39

Excused: Brooke, Fagg, Gould, Grady, Kilpatrick, Toole.
Total 6

Absent or not voting: Peck.
Total 1

Education committee excused at this time.

Representative Gilbert moved that HJR 1 do pass as amended. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Benedict, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Ellis, Fagg, Forrester, Galvin, Gervais, Gilbert, S. J. Hansen, H. S. Hanson, Harrington, J. Johnson, Kadas, Keller, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, L. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Ream, J. Rice, Russell, Schye, Southworth, Squires, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 63

Noes: Bachini, Barnett, Bergsagel, Boharski, Bradley, Cobb, J. DeBruycker, R. DeBruycker, Elliott, Ellison, Feland, Foster, Grinde, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Knox, Lee, Messmore, T. Nelson, Peck, Peterson, Phillips, Raney, S. Rice, Scott, Simpkins, Spring, Stang, Swysgood, Thoft, Thomas.
Total 34

Voted Absentee: Benedict, Cocchiarella, Connelly, Daily, Darko, Davis, Ellis, Fagg, Forrester, Gervais, Kilpatrick, McCulloch, L. Nelson, Schye, Toole, Wallin, Wyatt, Ayes; Bergsagel, Feland, R. Johnson, Simpkins, Noes.

Excused: Clark, Gould, Grady.
Total 3

Absent or not voting: None.
Total 0

HB 19 - Representative Harper moved HB 19 do pass.

Representative Cobb moved HB 19 be amended. Amendment #1 failed.

Ayes: Barnett, Boharski, Cobb, R. DeBruycker, Ellis, Ellison, Foster, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, Kasten, Keller,

Knox, Lee, Mercer, Messmore, T. Nelson, Peterson, Phillips, J. Rice, Spring, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 30

Noes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 59

Voted Absentee: Ellis, Wallin, Ayes; Brooke, Cocchiarella, Connelly, Daily, Darko, Davis, Forrester, Gervais, McCulloch, L. Nelson, Schye, Wyatt, Noes.

Excused: Benedict, Bergsagel, Clark, Fagg, Feland, Gould, Grady, R. Johnson, Kilpatrick, Simpkins, Toole.
Total 11

Absent or not voting: None.
Total 0

Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 61

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, T. Nelson, Peterson, Phillips, J. Rice, Simpkins, Spring, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 37

Voted Absentee: Brooke, Cocchiarella, Connelly, Daily, Davis, Forrester, Gervais, Kilpatrick, McCulloch, L. Nelson, Schye, Toole, Wyatt, Ayes; Benedict, Bergsagel, Clark, Ellis, Fagg, Feland, R. Johnson, Simpkins, Wallin, Noes.

Excused: Gould, Grady.
Total 2

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swysgood moved the adoption of the committee report. Report adopted. (51-26)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 11 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Boharski, Bradley, Brooke, J. Brown, Cobb, Cody, Cromley, Darko, J. DeBruycker, Dolezal, Driscoll, Elliott, Ellison, Fagg, Foster, Galvin, Gilbert, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Southworth, Spring, Squires, Stang, Steppler, Stickney, Thomas, Tunby, Zook, Mr. Speaker.
Total 68

Noes: D. Brown, Cohen, R. DeBruycker, Dowell, Harrington, Measure, Pavlovich, Peck, Strizich, Swysgood, Thoft, Wanzenried.
Total 12

Voted Absentee: Benedict, Fagg, L. Nelson, Ayes.

Excused: Bergsagel, Clark, Cocchiarella, Connelly, Daily, Davis, Ellis, Feland, Forrester, Gervais, Gould, Grady, R. Johnson, Kilpatrick, McCulloch, Simpkins, Toole, Wallin, Wyatt.
Total 19

Absent or not voting: Whalen.
Total 1

HB 19 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 61

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer,

Messmore, T. Nelson, Peterson, Phillips, J. Rice, Simpkins, Spring, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook.
Total 37

Voted Absentee: Cocchiarella, Connelly, Daily, Davis, Forrester, Gervais, Kilpatrick, McCulloch, L. Nelson, Schye, Toole, Wyatt, Ayes; Benedict, Bergsagel, Clark, Ellis, Fagg, Feland, R. Johnson, Simpkins, Wallin, Noes.

Excused: Gould, Grady.
Total 2

Absent or not voting: None.
Total 0

HJR 1 passed as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Benedict, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Ellis, Fagg, Forrester, Galvin, Gervais, Gilbert, S. J. Hansen, H. S. Hanson, Harrington, J. Johnson, Kadas, Keller, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, L. Nelson, Nisbet, O'Keefe, Pavlovich, Quilici, Ream, J. Rice, Russell, Schye, Southworth, Squires, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 62

Noes: Bachini, Barnett, Bergsagel, Boharski, Bradley, Cobb, J. DeBruycker, R. DeBruycker, Elliott, Ellison, Feland, Foster, Grinde, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Knox, Lee, Messmore, T. Nelson, Peck, Peterson, Phillips, Raney, S. Rice, Scott, Simpkins, Spring, Stang, Swysgood, Thoft, Thomas, Zook.
Total 35

Voted Absentee: Benedict, Cocchiarella, Connelly, Daily, Davis, Ellis, Fagg, Forrester, Gervais, Kilpatrick, McCulloch, L. Nelson, Schye, Toole, Wallin, Wyatt, Ayes; Bergsagel, Feland, R. Johnson, Simpkins, Noes.

Excused: Clark, Gould, Grady.
Total 3

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 1:00 p.m., Tuesday, January 14, 1992. Motion carried.

House adjourned at 8:00 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

SEVENTH LEGISLATIVE DAY

Helena, Montana
January 14, 1992

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Mary Lou Peterson. Pledge of Allegiance to the Flag.

Roll call. All members present except Gould and Kilpatrick, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/14/92
HJR 2, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "$5"
Strike: "million"
Insert: "billion"

And, as amended, do pass. Report adopted.

BILLS (Menahan, Chairman): 1/14/92
Correctly engrossed: HB 11, HB 19, HJR 1.

MESSAGES FROM THE SENATE

January 13, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bill was this day, January 13, 1992, read three several times, and concurred in as amended, title and history agreed to, and is herewith returned to the House for concurrence in the Senate Amendments.

House Bill No. 2, introduced by Representative Thoft

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Stang in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Thoft moved Senate amendments to HB 2 not be concurred in. Motion carried as follows:

Ayes: Bachini, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Zook, Mr. Speaker.
Total 92

Noes: Brooke, Ream.
Total 2

Excused: Gould, Kilpatrick.
Total 2

Absent or not voting: Bardanouve, Connelly, R. DeBruycker, Wyatt.
Total 4

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Stang moved the adoption of the committee report. Report adopted. (96-2)

MOTIONS

Representative Driscoll moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to House Bill 2. Motion carried.

UNFINISHED BUSINESS

Mr. Speaker appointed the following members to the conference committee on Senate Amendments to HB 2:

Representative Ray Peck, Chairman
Representative Mike Kadas
Representative Bob Thoft

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 9:30 a.m., Wednesday, January 15, 1992. Motion carried.

House adjourned at 1:30 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

[illegible] Measure, Number [illegible] Nayes.

[illegible], O'Keefe, Pavlot [illegible] Peck, [illegible] Phillips, [illegible]
S. Rice, Russell, Salvo, Scott, [illegible] Smith, Southworth, St
Stewart, Stepler, Stickney, Strizich, Swygood, Thiel, Th[illegible]
Valin, Vucurevich, Wheeler, Zook — Speaker.
Total 63.

[illegible] Nays.
Total 2

[illegible] Carried, Eight [illegible]
Ayes. 2

[illegible] Nays.

Reference Office. Driscoll moved the committee [illegible] dee and repor[illegible] Motion Carried. Committee [illegible] Report [illegible] Speaker in the Chair [illegible] Stewart moved the adoption of the [illegible] committee report. Re[illegible] carried. (63-2)

MOTIONS

Mr. Driscoll moved the Speaker be authorized to [illegible] committee to meet with a like committee from the [illegible] State [illegible] to HB 2. Motion carried.

REPRESENTATIVE [illegible]

[illegible] the following members [illegible] to [illegible] to HB 2:

Representative Ray Peck, Chairman
Representative [illegible] Kader
Representative [illegible] Thiel

EIGHTH LEGISLATIVE DAY

Helena, Montana
January 15, 1992

House Chambers
State Capitol

House convened at 9:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Berv Kimberley. Pledge of Allegiance to the Flag.

Roll call. All members present except J. DeBruycker, Feland, Gould, and Kilpatrick, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fourth legislative day, find the same to be correct.

Menahan, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Harrington, Chairman): 1/14/92
SB 1, third reading copy, be concurred in. Report adopted.

BILLS (Menahan, Chairman): 1/14/92
Correctly printed: HJR 2.

MESSAGES FROM THE SENATE

January 14, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bill was on January 13, 1992, on committee report, not concurred in, report adopted, and the said bill is herewith returned to the House.

House Bill No. 7, introduced by Representative Thoft

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 14, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bills were this day, January 14, 1992, read three several times, and concurred in, title and history agreed to, and are herewith returned to the House.

House Bill No. 5, introduced by Representative Thoft
House Bill No. 6, introduced by Representative Thoft
House Bill No. 9, introduced by Representative Thoft
House Bill No. 12, introduced by Representative Connelly
House Bill No. 13, introduced by Representative Connelly
House Bill No. 18, introduced by Representative Wanzenried

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 14, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following Senate Bills were this day, January 14, 1992, read three several times, and passed, title and history agreed to, and are herewith transmitted to the House for concurrence:

Senate Bill No. 4, introduced by Senator Aklestad
Senate Bill No. 5, introduced by Senator Blaylock

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 14, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bill was this day, January 14, 1992, read three several times, and concurred in as amended, title and history agreed to, and is herewith returned to the House for concurrence in the Senate Amendments.

House Bill No. 17, introduced by Representative Brown

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 14, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate on this day, January 14, 1992, acceded to the request of the House and authorized the President to appoint a Conference Committee to meet with a like committee of the House on House Bill No. 2.

The President appointed the following members:

Senator Judy Jacobson, Chairman
Senator Greg Jergeson
Senator Gary Aklestad

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following Senate bills were introduced, read first time, and referred to committee:

SB 4, introduced by Aklestad, referred to Committee on Appropriations
SB 5, introduced by Blaylock, referred to Committee on Education

ANNOUNCEMENTS

At Representative Bradley's request, a moment of silence was held in honor of the one year anniversary of the beginning of the Persian Gulf War.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gilbert in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 2 - Representative Bardanouve moved HJR 2 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ellison, Fagg, Forrester, Foster, Galvin, Gervais, Gilbert, Grinde, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Thomas, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: S. J. Hansen.
Total 1

Excused: J. DeBruycker, Feland, Gould, Kilpatrick.
Total 4

Absent or not voting: Grady, Swysgood, Thoft, Toole.
Total 4

Speaker Pro Tem in the chair at this time.

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Gilbert moved the adoption of the committee report. Report adopted. (90-1)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 2 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellison, Fagg, Forrester, Foster, Galvin, Gervais, Gilbert, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires,

Stang, Steppler, Stickney, Strizich, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: None.
Total 0

Excused: J. DeBruycker, Feland, Gould, Kilpatrick.
Total 4

Absent or not voting: Ellis, Grady, Hayne, Keller, Swysgood, Thoft.
Total 6

Representative Driscoll moved the House recess until 1:30 p.m. Motion carried.

House recessed at 10:00 a.m.

House reconvened at 1:30 p.m. Speaker Harper in the Chair.

SPECIAL ORDERS OF THE DAY

Chief Clerk Joyce Andrus read the following resolution:

THE FIFTY-SECOND MONTANA LEGISLATURE

WHEREAS, it is with sincere gratitude that the members of the House of Representatives of the Fifty-Second Legislative Assembly of the State of Montana honor **Jack McCarthy**.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of **Jack McCarthy** be filed as part of the official record of this Assembly, and the following facts relative to his career are hereby noted:

Jack McCarthy was born on September 14, 1921 in Anaconda, Montana. He graduated from St. Peter's High School in Anaconda with the class of 1940. He joined the army in 1942. **Jack McCarthy** worked for the Highway Department from 1945 until his retirement in 1980. At the Highway Department, he was affectionately know as "**Anaconda John**."

He married Mary Sladich in 1943 in Anaconda. They have six children, Marianne, Mike, Pat, Kathy "Pete", Maureen and Louellen "Jake."

Jack McCarthy has been employed by and has done an outstanding job for the Montana House of Representatives since 1981. He has treated all political parties, lobbyists, staff members and guests with utmost courtesy and respect.

Jack McCarthy has assisted in maintaining the proper decorum of the Montana House of Representatives. He has always been quick to add a smile and a friendly greeting in the midst of difficult times. We thank him for his many years of dedicated service.

NOW, THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to **Jack McCarthy** and declare today, **January 15, 1992, "Jack McCarthy Day."**

BE IT FURTHER RESOLVED, that a copy of this resolution be entered upon the Journal of the House of Representatives of the First Special Session of the Fifty-Second Legislative Assembly and that original copies of this resolution, signed by the Speaker, the Minority Leader, and the Chief Clerk of the House of Representatives, be transmitted by the Chief Clerk of the House to **Jack McCarthy** and his family.

Signed by:

HAL HARPER
Speaker of the House
of Representatives

JOHN MERCER
Minority Leader of
House of Representatives

JOYCE ANDRUS
Chief Clerk of the House
of Representatives

The Sergeant-at-Arms escorted Jack McCarthy to the well of the House. Speaker Harper introduced the following members of Mr. McCarthy's family: his wife, Mary; daughters, Jake and Maureen; and grandchildren, Christopher, T.J., and Erin. Speaker Harper presented Mr. McCarthy with the resolution, a card and gifts on behalf of the House of Representatives, the staff, and lobbyists.

Mr. McCarthy received a standing ovation from the House members and was escorted from the Chambers.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Bardanouve, Chairman): 1/15/92
SB 4, third reading copy, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Schye, Chairman): 1/15/92
SB 5, third reading copy, be amended as follows:

1. Page 15, line 6.
Strike: "7"
Insert: "6"

2. Page 15, line 10.
Strike: "8"
Insert: "7"

And, as amended, be concurred in. Report adopted.

BILLS (Menahan, Chairman): 1/15/92
Correctly engrossed: HJR 2.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hoffman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Ellison excused at this time.

HB 17 - Representative D. Brown moved Senate amendments to HB 17 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Beck, Becker, Benedict, Bergsagel, Boharski, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Forrester, Foster, Galvin, Gervais, Grady, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Kimberley, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Bradley, Clark, Gilbert, Grinde, R. Johnson, Keller, J. Rice, Thomas.
Total 8

Voted Absentee: J. DeBruycker, Aye.

Excused: Ellison, Feland, Gould, Kilpatrick.
Total 4

Absent or not voting: Barnhart, Knox, Squires.
Total 3

SB 1 - Representative Gilbert moved SB 1 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Bergsagel, Boharski, Brooke, J. Brown, Cocchiarella, Cody, Cohen, Cromley, Darko, Dolezal, Driscoll, Elliott, Ellis, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Peck, Peterson, J. Rice, Russell, Schye, Scott, Southworth, Spring, Squires, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Zook.
Total 58

Noes: Bachini, Barnett, Benedict, D. Brown, Clark, Cobb, Connelly, Daily, Davis, R. DeBruycker, Dowell, Forrester, Harrington, J. Johnson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, O'Keefe, Pavlovich, Phillips, Quilici, Raney, S. Rice, Simpkins, Stang, Swysgood, Thoft, Thomas, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 35

Excused: J. DeBruycker, Ellison, Feland, Gould, Kilpatrick.
Total 5

Absent or not voting: Bradley, Ream.
Total 2

SB 5 - Representative Darko moved SB 5 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Forrester, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Boharski.
Total 1

Voted Absentee: J. DeBruycker, Aye.

Excused: Ellison, Feland, Gould, Kilpatrick.
Total 4

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hoffman moved the adoption of the committee report. Report adopted. (95-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 17, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Beck, Becker, Benedict, Bergsagel, Boharski, Brooke, D. Brown, J. Brown, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Forrester, Galvin, Gervais, Grady, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, Kadas, Kasten, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Barnett, Barnhart, Bradley, Clark, Foster, Grinde, R. Johnson, Keller, J. Rice, Thomas.
Total 10

Voted Absentee: J. DeBruycker, Aye.

Excused: Ellison, Feland, Gould, Kilpatrick.
Total 4

Absent or not voting: Gilbert.
Total 1

SB 1 concurred in as follows:

Ayes: Bardanouve, Beck, Becker, Bergsagel, Boharski, Brooke, J. Brown, Clark, Cocchiarella, Cohen, Cromley, Darko, J. DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Fagg, Foster, Gervais, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Peck, Peterson, Ream, J. Rice, Russell, Schye, Scott, Southworth, Spring, Squires, Steppler, Stickney, Toole, Tunby, Wallin, Zook.
Total 57

Noes: Bachini, Barnett, Barnhart, Benedict, Bradley, D. Brown, Cobb, Cody, Connelly, Daily, Davis, R. DeBruycker, Dowell, Forrester, Galvin, Harrington, J. Johnson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, O'Keefe, Pavlovich, Phillips, Quilici, Raney, S. Rice, Simpkins, Stang, Strizich, Swysgood, Thoft, Thomas, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 39

Voted Absentee: J. DeBruycker, Aye.

Excused: Ellison, Feland, Gould, Kilpatrick.
Total 4

Absent or not voting: None.
Total 0

SB 5 concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Forrester, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: None.
Total 0

Voted Absentee: J. DeBruycker, Aye.

Excused: Ellison, Feland, Gould, Kilpatrick.
Total 4

Absent or not voting: None.
Total 0

Representative Driscoll moved the House recess until 5:30 p.m. Motion carried.

House recessed at 2:10 p.m.

House reconvened at 5:30 p.m. Speaker Harper in the Chair.

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/15/92
Correctly enrolled: HB 5, HB 6, HB 9, HB 12, HB 13, HB 18.
Examined by the sponsor and found to be correct:

HB 5 - Thoft
HB 6 - Thoft
HB 9 - Thoft
HB 12 - Connelly
HB 13 - Connelly
HB 18 - Wanzenried

MESSAGES FROM THE SENATE

January 15, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that on this day, January 15, 1992, House Amendments to the following bill were concurred in on Third Reading by the Senate.

Senate Bill No. 5, introduced by Senator Blaylock

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 15, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bills were this day, January 15, 1992, read three several times, and concurred in as amended, title and history agreed to, and are herewith returned to the House for concurrence in the Senate Amendments.

House Bill No. 3, introduced by Representative Thoft
House Bill No. 10, introduced by Representative Thoft
House Bill No. 19, introduced by Representative Harper

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 15, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bills were this day, January 15, 1992, read three several times, and concurred in, title and history agreed to, and are herewith returned to the House.

House Bill No. 14, introduced by Representative Gilbert
House Bill No. 21, introduced by Representative Bardanouve

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hoffman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Grady excused at this time.

SB 4 - Representative Swysgood moved SB 4 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, D. Brown, J. Brown, Clark, Cocchiarella, Cody, Cromley, Daily, Darko, Davis, R. DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, Grinde, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, Ream, J. Rice, S. Rice, Schye, Scott, Simpkins, Southworth, Spring, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Zook, Mr. Speaker.
Total 82

Noes: Cobb, Cohen, Connelly, Dowell, S. J. Hansen, Measure, Squires, Wanzenried, Whalen, Wyatt.
Total 10

Excused: J. DeBruycker, Ellison, Gould, Grady, Kilpatrick.
Total 5

Absent or not voting: Brooke, Mercer, Russell.
Total 3

HB 3 - Representative Thoft moved Senate amendments to HB 3 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, D. Brown, J. Brown, Clark, Cobb, Cody, Cromley, Daily, Darko, Davis, R. DeBruycker, Driscoll, Elliott, Ellis, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, J. Rice, S. Rice, Schye, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Zook.
Total 73

Noes: Boharski, Bradley, Cocchiarella, Cohen, Connelly, Dolezal, Dowell, Forrester, Kimberley, Lee, McCaffree, McCulloch, Measure, O'Keefe, Ream, Scott, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 20

Excused: J. DeBruycker, Ellison, Gould, Grady, Kilpatrick.
Total 5

Absent or not voting: Brooke, Russell.
Total 2

HB 10 - Representative Thoft moved consideration of HB 10 be passed for the day. Motion carried.

HB 19 - Representative Harper moved Senate amendments to HB 19 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, R. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Forrester, Foster, Galvin, Gervais, Gilbert, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Schye, Scott, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Thoft, Thomas, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Benedict, Boharski, Feland, Lee, Phillips, Simpkins, Swysgood.
Total 7

Excused: J. DeBruycker, Ellison, Gould, Grady, Kilpatrick.
Total 5

Absent or not voting: Russell.
Total 1

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hoffman moved the adoption of the committee report. Report adopted. (84-10)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cocchiarella, Cody, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Fagg, Feland, Forrester, Foster, Galvin, Gervais, Gilbert, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Peterson, Phillips, Quilici, Raney, J. Rice, S. Rice, Schye, Scott, Simpkins, Southworth, Spring, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Tunby, Wallin, Zook, Mr. Speaker.
Total 83

Noes: Cobb, Cohen, Dowell, Grinde, S. J. Hansen, Measure, Ream, Squires, Toole, Wanzenried, Whalen, Wyatt.
Total 12

Voted Absentee: J. DeBruycker, Aye.

Excused: Ellison, Gould, Grady, Kilpatrick.
Total 4

Absent or not voting: Russell.
Total 1

HB 3, Senate amendments, concurred in as follows:

Ayes: Bachini, Barnett, Barnhart, Beck, Becker, Benedict, Bergsagel, Brooke, D. Brown, J. Brown, Clark, Cobb, Cody, Cohen, Cromley, Daily, Darko, Davis, R. DeBruycker, Driscoll, Ellis, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grinde, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Madison, McCarthy, Menahan, Mercer, Messmore, L. Nelson, T. Nelson, Nisbet, Pavlovich, Peck, Peterson, Phillips, Quilici, J. Rice, S. Rice, Scott, Simpkins, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Thomas, Toole, Tunby, Wallin, Zook.
Total 72

Noes: Bardanouve, Boharski, Bradley, Cocchiarella, Connelly, Dolezal, Dowell, Elliott, Forrester, Kimberley, Lee, McCaffree, McCulloch, Measure, O'Keefe, Raney, Ream, Schye, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 22

Excused: J. DeBruycker, Ellison, Gould, Grady, Kilpatrick.
Total 5

Absent or not voting: Russell.
Total 1

HB 19, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Benedict, Bergsagel, Bradley, Brooke, D. Brown, J. Brown, Clark, Cobb, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Forrester, Galvin, Gervais, Gilbert, S. J. Hansen, M. Hanson, Harrington, Hayne, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Kimberley, Knox, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Messmore, L. Nelson, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Schye, Scott, Southworth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Toole, Tunby, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.
Total 75

Noes: Barnett, Boharski, R. DeBruycker, Feland, Foster, Grinde, H. S. Hanson, Keller, Lee, Mercer, T. Nelson, Peterson, Phillips, J. Rice, Simpkins, Swysgood, Thoft, Thomas, Zook.
Total 19

Excused: J. DeBruycker, Ellison, Gould, Grady, Kilpatrick.
Total 5

Absent or not voting: Russell.
Total 1

MOTIONS

Representative Driscoll moved the Speaker be authorized to dissolve the conference committee on Senate amendments to House Bill 2 and appoint a free conference committee to meet with a like committee from the Senate. Motion carried.

UNFINISHED BUSINESS

Mr. Speaker appointed the following members to the free conference committee on Senate Amendments to HB 2:

Representative Ray Peck, Chairman
Representative Mike Kadas
Representative Bob Thoft

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Driscoll moved the House adjourn until 9:00 a.m., Thursday, January 16, 1992. Motion carried.

House adjourned at 5:50 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

NINTH LEGISLATIVE DAY

Helena, Montana
January 16, 1992

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Harriet Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Gould, Kilpatrick, Lee, and Messmore, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

Signed by the Speaker at 8:20 a.m., January 16, 1992: HB 5, HB 6, HB 9, HB 12, HB 13, HB 18.

MESSAGES FROM THE SENATE

January 16, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate this day, by motion, acceded to the request of the House and dissolved the Conference Committee on Senate Amendments to House Bill No. 2, and the President was authorized to appoint a Free Conference Committee.

The President appointed the following members:

Senator Judy Jacobson, Chairman
Senator Greg Jergeson
Senator Gary Aklestad

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Schye in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 10 - Representative Thoft moved Senate amendments to HB 10 be concurred in. Motion failed as follows:

Ayes: Bardanouve, Beck, Bergsagel, Brooke, D. Brown, J. Brown, Cocchiarella, Cohen, Cromley, Daily, Driscoll, Forrester, Gervais, S. J. Hansen, Harrington, Hayne, R. Johnson, Kadas, Measure, Menahan, Mercer, Nisbet, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Southworth, Stickney, Toole, Wallin, Mr. Speaker.
Total 35

Noes: Bachini, Barnett, Barnhart, Becker, Benedict, Boharski, Bradley, Clark, Cobb, Cody, Connelly, Darko, Davis, J. DeBruycker, R. DeBruycker, Dolezal, Dowell, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grinde, H. S. Hanson, M. Hanson, Hoffman, J. Johnson, Kasten, Keller, Kimberley, Knox, Larson, Lee, Madison, McCaffree, McCarthy, McCulloch, L. Nelson, T. Nelson, O'Keefe, Peterson, Phillips, Schye, Scott, Simpkins, Spring, Squires, Stang, Steppler, Strizich, Swysgood, Thoft, Thomas, Tunby, Wanzenried, Whalen, Wyatt, Zook.
Total 62

Voted Absentee: ; Lee, No.

Excused: Gould, Kilpatrick, Messmore.
Total 3

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Schye moved the adoption of the committee report. Report adopted. (78-16)

Representative Driscoll moved the House recess until 1:00 p.m. Motion carried.

House recessed at 9:30 a.m.

House reconvened at 1:00 p.m. Speaker Harper in the Chair.

Representative Messmore present at this time.

REPORTS OF STANDING COMMITTEES

Correctly enrolled: HB 3, HB 17, HB 19.
Delivered to the Governor for his approval at 12:36 p.m., January 16, 1992: HB 5, HB 6, HB 9, HB 12, HB 13, HB 18.

MESSAGES FROM THE SENATE

January 16, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Senate on this day, January 16, 1992, acceded to the request of the House and authorize the President to appoint a Free Conference Committee to meet with a like committee of the House on House Bill No. 10.

The President appointed the following members:

Senator Fred Van Valkenburg, Chairman
Senator John Harp
Senator Cecil Weeding

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

Representative Driscoll moved the House recess until 3:00 p.m. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 3:00 p.m. Speaker Harper in the Chair.

MESSAGES FROM THE SENATE

January 16, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Joint Resolution was this day, January 16, 1992, read three several times, and concurred in, title and history agreed to, and is herewith returned to the House.

House Joint Resolution No. 2, introduced by Representative Bardanouve

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

Representative Driscoll moved the House recess until 4:00 p.m. Motion carried.

House recessed at 3:10 p.m.

House reconvened at 4:00 p.m. Speaker Pro Tem D. Brown in the Chair.

REPORTS OF STANDING COMMITTEES

Correctly enrolled: HB 14, HB 21.
Examined by the sponsor and found to be correct:
HB 3, examined by Thoft
HB 14, examined by Gilbert
HB 17, examined by D. Brown
HB 19, examined by Harper
HB 21, examined by Bardanouve

Representative Driscoll moved the House recess until 6:00 p.m. Motion carried.

House recessed at 4:20 p.m.

House reconvened at 6:00 p.m. Speaker Harper in the Chair.

REPORTS OF STANDING COMMITTEES

Examined by the sponsor and found to be correct:
HJR 2, examined by Bardanouve

ANNOUNCEMENTS

Representative Driscoll moved the House adjourn until 8 a.m., Friday, January 17, 1992. Motion carried.

House adjourned at 6:30 p.m.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

TENTH LEGISLATIVE DAY

Helena, Montana
January 17, 1992

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative J. Brown. Pledge of Allegiance to the Flag.

Roll call. All members present except Boharski, Gould, Grinde, Kilpatrick, and Lee, excused. Quorum present.

Representative Driscoll moved the House recess until 8:45 a.m. Motion carried.

House recessed at 8:15 a.m.

House reconvened at 8:45 a.m. Speaker Harper in the Chair.

Representative Boharski present at this time.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 2
Report No. 1, January 16, 1992

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill No. 2 and recommend that House Bill No. 2 (reference copy--salmon) be amended as follows:

1. Page BP-2 and 3.
Strike: Section 8 in its entirety.
Renumber: subsequent sections

2. Page BP-4, line 15.
Strike: "$1,500,000"
Insert: "$1,635,363"

3. Page BP-4, line 20.
Following: "SYSTEM"
Strike: "PERSONAL SERVICES TRANSFER AND"

4. Page BP-4, line 21.
Strike: "PERSONAL SERVICES TRANSFER PROVISIONS IN [SECTION 2] AND THE"

5. Page A-4.
Following: line 24
Insert: "The unobligated portions of the appropriations in Chapter 1, Special Laws of January 1992, are on March 1, 1992, reappropriated to the legislative council and may be spent for an interim study upon unanimous agreement of the president of the senate, senate minority leader, speaker of the house, and house minority leader. The leaders may determine the membership and scope of the interim committees."

6. Page A-7, line 24.
Strike: "2,806,573"
Insert: "3,062,573"

7. Page A-8, line 5.
Strike: "123,710"
Insert: "52,060"

8. Page A-9, line 25.
Strike: "15,000" State Special Revenue Fiscal 1992
15,000" State Special Revenue Fiscal 1993
Insert: "15,000" Federal Special Revenue Fiscal 1992
"15,000" Federal Special Revenue Fiscal 1993

9. Page A-10, line 21.
Strike: "876,288" "876,789"
Insert: "948,712" "935,751"

10. Page A-10, following line 23.
Strike: lines 24 and 25 in their entirety.

11. Page A-11, following line 6.
Strike: lines 7 and 8 in their entirety.

12. Page A-20, line 4.
Strike: 93,315" "308,576"
Insert: "304,762" "381,749"

13. Page A-24, following line 1.
Insert: "f. Revenue Enhancement"
(general fund fiscal 1992) "39,667"
(general fund fiscal 1993) "126,761"

14. Page A-25, line 4.
Following: "APPLICANT."
Insert: "Those agency agreements that contain renewal options must be honored according to the terms of the agency contract and request for bids in existence prior to January 1, 1991."

15. Page A-33, line 22.
Strike: "11,055" "10,019"
Insert: "31,834" "67,732"

16. Page B-16, following line 2.
Insert: "14. Budget Reduction (Line Item)"
"50,000" "100,000"

17. Page C-9, line 9.
Strike: "300,000"
Insert: "250,000"

18. Page C-12, line 3.
Following: "The"

Strike: "$300,000"
Insert: "$250,000"
Following: "study"
Strike: "($250,000)"
Insert: "($200,000)"

19. Page C-16, line 4.
Following: line 4
Insert: "k. Treasure State Endowment -- HB 19
20,000" (FY93, General Fund)

20. Page C-17, line 23.
Following: line 23
Insert: "Item 4k is to implement House Bill No. 19 and is contingent on passage of House Bill No. 19 and on electoral approval."

21. Page C-23, line 5.
Strike: "1,296,279"
Insert: "1,160,916"

22. Page C-23.
Following: line 9
Insert: "c. Treasure State Endowment -- HB 19
35,000" (FY93, General Fund)

23. Page C-27.
Following: line 14
Insert: "Item 10c is to implement House Bill No. 19 and is contingent on passage of House Bill No. 19 and on electoral approval."

24. Page E-1, line 20.

Strike: "367,521	2,719,428	832,959	367,773	
2,717,688	827,733"			
Insert: "470,021	4,248,382	904,728	381,305	
4,089,022	887,460"			

25. Page E-1, line 21.

Strike: "2,977,475	2,963,514"
Insert: "3,540,725	3,338,426"

26. Page E-1, following line 23.
Strike: lines 24 and 25 in their entirety.

27. Page E-2.
Strike: lines 1 through 25 in their entirety.

28. Page E-3.
Strike: lines 1 through 11 in their entirety.

29. Page E-5.
Strike: line 13

Insert: "Included in item 1 is a biennial appropriation of $136,000 from the general fund and $82,000 from the state special revenue fund for audiology services."

30. Page E-5, line 3.
Strike: "41,534,000"
Insert: "24,130,000"

31. Page E-5, line 14.
Following: "APPROPRIATION"
Insert: ", excluding item 2r, school equalization supplemental funding,"

32. Page E-13, line 7.
Strike: "307,913"
Insert: "362,913"

33. Page E-13, line 9.
Strike: "143,861"
Insert: "153,920"

34. Page E-24, following line 1.
Insert: "The 52nd legislature intends for the Montana university system to be subject to the personal services line item requirements contained in [section 2, Chapter 815, Laws of 1991, as amended by [this act]]. The dollar amount of the personal services line item is equal to the following:

(1) For the research, public service, and plant programs, the line item amount is equal to the personal services amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(2) For the instruction program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year but may be no less than the faculty compensation amount contained in table 3 of the Montana university system budget narrative accompanying [this act].

(3) For the support program, the line item amount is equal to the personal services amount identified on the original regents'-approved operating budget each fiscal year.

It is further the intent of the 52nd legislature that the original budgeted personal services by program on the regents' employee reporting system each fiscal year equal the original regents'-approved operating budget by program."

35. Page OA-7, line 9.
Insert: "150,000 Higher Education Funds and/or Donations"

36. Page OA-7, line 10.
Strike: "584,500"

Insert: "934,500"

37. Page OA-8, line 6.
Strike: "633,000"
Insert: "283,000"

LFA will amend totals.

The Committee recommends that the narrative and tables accompanying House Bill 2 as amended by the conference committee be adopted as legislative intent.

The Legislative Fiscal Analyst is directed to reflect on its general fund summary sheets and in the Appropriations Report the following statutory appropriations at the level shown in the Executive Budget:

FY93 (Millions)	
Guaranteed Tax Base	$47.436
Personal property tax reimbursement	19.037

The Legislative Fiscal Analyst is further directed to reflect on its general fund summary sheets and in the Appropriations Report the $1.0 million fund balance adjustment for federal fire suppression cost reimbursement shown in the Executive Budget (page 9).

And this Free Conference Committee report be adopted.

For the House:

Representative Ray Peck, Chair
Representative Mike Kadas

For the Senate:

Senator Judy Jacobson, Chair
Senator Greg Jergeson

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Peck moved the free conference committee report to HB 2 be adopted. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice,

Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Toole, Wanzenried, Wyatt, Mr. Speaker.
Total 58

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, T. Nelson, O'Keefe, Peterson, Phillips, J. Rice, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Whalen, Zook.
Total 42

Voted Absentee: Kilpatrick, Aye; Gould, Grinde, Lee, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (59-36)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2, free conference committee report, adopted as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Bradley, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Cromley, Daily, Darko, Davis, J. DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, L. Nelson, Nisbet, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Scott, Southworth, Squires, Stang, Stickney, Strizich, Toole, Wanzenried, Wyatt, Mr. Speaker.
Total 57

Noes: Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, Connelly, R. DeBruycker, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, T. Nelson, O'Keefe, Peterson, Phillips, J. Rice, Simpkins, Spring, Steppler, Swysgood, Thoft, Thomas, Tunby, Wallin, Whalen, Zook.
Total 43

Voted Absentee: Kilpatrick, Aye; Gould, Grinde, Lee, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Driscoll moved the House recess until 11:00 a.m. Motion carried.

House recessed at 9:45 a.m.

House reconvened at 11:00 a.m. Speaker Harper in the Chair.

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/17/92
Signed by the Speaker at 7:30 a.m., January 17, 1992: HB 3, HB 14, HB 17, HB 19, HB 21, HJR 2.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 10
Report No. 1, January 17, 1992

Mr. President and Mr. Speaker:

We, your Free Conference Committee on House Bill No. 10, considered and recommend House Bill No. 10 (reference copy - salmon) be amended as follows:

1. Title, line 9.
Following: "EFFECTIVE DATE"
Strike: "<u>, A RETROACTIVE APPLICABILITY DATE,</u>"

2. Page 1, line 25.
Strike: "<u>JANUARY</u>"
Insert: "July"

3. Page 8, lines 7 and 8.
Following: "date" on line 7
Strike: "<u>-- RETROACTIVE APPLICABILITY</u>"

4. Page 8, line 8.
Strike: "<u>[1]</u>"

5. Page 8, lines 9 through 12.
Following: "~~and~~" on line 9
Strike: the remainder of line 9 through "<u>ACT]</u>" on line 12
Insert: "and"

And that this Free Conference Committee report be adopted.

For the House:	For the Senate:
Representative Francis Bardanouve, Chair	Senator Fred Van Valkenburg, Chair
Representative Jerry Driscoll	Senator Cecil Weeding
Representative Bob Thoft	Senator John Harp

MESSAGES FROM THE SENATE

January 17, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Free Conference Committee Report No. 1 on Senate Amendments to House Bill No. 2 was adopted on January 17, 1992, on Third Reading by the Senate.

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 17, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the Free Conference Committee Report No. 1 on Senate Amendments to House Bill No. 10 was adopted on January 17, 1992, on Third Reading by the Senate.

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 17, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Joint Resolution was this day, January 17, 1992, read three several times, and concurred in as amended, title and history agreed to, and is herewith returned to the House for concurrence in the Senate Amendments.

House Joint Resolution No. 1, introduced by Representative Gilbert

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 17, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bill was on January 14, 1992, read three several times, and concurred in, title and history agreed to, and is herewith returned to the House.

House Bill No. 4, introduced by Representative Thoft

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

January 17, 1992

The Honorable Hal Harper
Speaker of the House
State Capitol
Helena, MT 59620

Mr. Speaker:

I am directed by the Senate to inform the House of Representatives that the following House Bill was on January 16, 1992, on Committee of the Whole, recommended that further action be indefinitely postponed, report adopted, and the said bill is herewith returned to the House.

House Bill No. 11, introduced by Representative Bardanouve

Respectfully,

DAVID L. HUNTER
Secretary of the Senate

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Driscoll moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 1 - Representative Ream moved Senate amendments to HJR 1 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schye, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Wanzenried, Whalen, Mr. Speaker.
Total 55

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, Clark, Cobb, J. DeBruycker, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, L. Nelson, T. Nelson, Peterson, Phillips, J. Rice, Scott, Simpkins, Spring, Swysgood, Thoft, Thomas, Tunby, Wallin, Wyatt, Zook.
Total 45

Voted Absentee: Kilpatrick, Aye; Gould, Grinde, Lee, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 10 - Representative Bardanouve moved the free conference committee report to HB 10 be adopted. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Brooke, D. Brown, J. Brown, Clark, Cocchiarella, Cromley, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Ellison, Forrester, Foster, Galvin, Gervais, Gilbert, Grady, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Hoffman, Kasten, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, L. Nelson, Nisbet, Pavlovich, Quilici, Raney, Russell, Schye, Simpkins, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Swysgood, Thoft, Toole, Tunby, Whalen, Wyatt, Zook.

Total 58

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Bradley, Cobb, Cody, Cohen, Connelly, Darko, J. DeBruycker, R. DeBruycker, Dowell, Fagg, Feland, J. Johnson, R. Johnson, Kadas, Keller, Kimberley, Larson, Madison, Measure, T. Nelson, O'Keefe, Peck, Peterson, Phillips, Ream, J. Rice, S. Rice, Scott, Spring, Thomas, Wallin, Wanzenried, Mr. Speaker.
Total 38

Excused: Gould, Grinde, Kilpatrick, Lee.
Total 4

Absent or not voting: None.
Total 0

Representative Driscoll moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (56-39)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 1, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Beck, Becker, Brooke, D. Brown, J. Brown, Cocchiarella, Cody, Cohen, Connelly, Cromley, Daily, Darko, Davis, Dolezal, Dowell, Driscoll, Forrester, Galvin, Gervais, S. J. Hansen, Harrington, J. Johnson, Kadas, Kilpatrick, Kimberley, Larson, Madison, McCaffree, McCarthy, McCulloch, Measure, Menahan, Nisbet, O'Keefe, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schye, Southworth, Squires, Stang, Steppler, Stickney, Strizich, Toole, Wanzenried, Whalen, Mr. Speaker.
Total 56

Noes: Barnett, Benedict, Bergsagel, Boharski, Bradley, Clark, Cobb, J. DeBruycker, R. DeBruycker, Elliott, Ellis, Ellison, Fagg, Feland, Foster, Gilbert, Gould, Grady, Grinde, H. S. Hanson, M. Hanson, Hayne, Hoffman, R. Johnson, Kasten, Keller, Knox, Lee, Mercer, Messmore, L. Nelson, T. Nelson, Peterson, Phillips, Scott, Simpkins, Spring, Swysgood, Thoft, Thomas, Tunby, Wallin, Wyatt, Zook.
Total 44

Voted Absentee: Kilpatrick, Aye; Gould, Grinde, Lee, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 10, free conference committee report, adopted as follows:

Ayes: Bardanouve, Barnhart, Beck, Becker, Brooke, D. Brown, J. Brown, Cocchiarella, Cromley, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Ellison, Forrester, Foster, Gervais, Gilbert, Grady, S. J. Hansen, H. S. Hanson, M. Hanson, Harrington, Hayne, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mercer, Messmore, Nisbet, Pavlovich, Quilici, Raney, Russell, Schye, Southworth, Squires, Steppler, Stickney, Swysgood, Thoft, Toole, Tunby, Whalen, Wyatt, Zook.
Total 50

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Bradley, Clark, Cobb, Cody, Cohen, Connelly, Darko, J. DeBruycker, R. DeBruycker, Dowell, Fagg, Feland, Galvin, Hoffman, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Kimberley, Larson, Madison, Measure, L. Nelson, T. Nelson, O'Keefe, Peck, Peterson, Phillips, Ream, J. Rice, S. Rice, Scott, Simpkins, Spring, Stang, Strizich, Thomas, Wallin, Wanzenried, Mr. Speaker.
Total 46

Excused: Gould, Grinde, Kilpatrick, Lee.
Total 4

Absent or not voting: None.
Total 0

MOTIONS

Representative Driscoll moved the Speaker be authorized to appoint a committee of four to notify His Excellency, the Governor, the House of Representatives of the first Special Session of the Fifty-Second Legislature has completed its business and is ready to adjourn sine die. Motion carried.

The Speaker appointed Representatives Jane DeBruycker, Chair, Pat Galvin, Char Messmore and Wilbur Spring and dismissed them from the chamber.

Representative Driscoll moved the Speaker be authorized to appoint a committee of four to notify the Senate the House of Representatives of the first Special Session of the Fifty-Second Legislature has completed its business and is ready to adjourn sine die. Motion carried.

The Speaker appointed Representatives Jan Brown, Chair, Jerry Nisbet, Marian Hansen and Norm Wallin and dismissed them from the chamber.

A committee from the Senate was escorted to the well of the House and informed the Speaker that the Senate had completed their business and were ready to adjourn sine die. The Speaker thanked the committee and the entire Senate and dismissed the committee from the chamber.

The committees appointed to notify the Governor and the Senate returned and informed the House they had delivered their messages. The Speaker thanked the committee members and discharged them.

Representative Driscoll moved the House adjourn sine die. Motion carried.

House adjourned sine die at 12 o'clock noon.

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

[illegible]

[illegible] Mercer.

[illegible] Southworth, [illegible]

Dunby, Wheaton, Wyatt, Zook.

Total 34

[illegible]

Abbott, Bechtel, Barnett, Beneritter, [illegible] Bohnert.

Cribb, Cady, Collen, Connolly, Darko, J. DeBruyn[illegible], [illegible]

Dywelk, Fong, Feiund, Gabia, Hoffman, J. Johnson, R. Jones

Kamm, Keller, Kirchner, Larson, Madison, Measure, L. Nelson, [illegible] Pick[illegible]

Orestis, Peck, Peterson, Phillips, Ream, Rice, S. Rice, Scott, [illegible]

Spring, Stone, Stilwell, Thomas, Wallin, Wannemuehl, Mr. Speaker

Total 46

[illegible] Gould, Grindle, Kilpatrick [illegible]

Total 4

Absent or not voting: None.

Total 0

[illegible]

Mr. [illegible] Larson moved the Speaker be authorized to [illegible] character of four to notify His Excellency, the Governor, [illegible] the House [illegible] business of the first Special Session of the Fifty-[illegible] second [illegible] has completed its business and is ready to adjourn sine die. Motion carried.

The Speaker appointed Representatives Jane DeBruyn[illegible], [illegible] Chair, Cady, [illegible] Schrane and Wilbur Spaid and dismissed them [illegible].

Representative Driscoll moved the [illegible] be with [illegible] committee of four to notify the Senate the House is [illegible] First Special Session of the Fifty-[illegible] has completed its business and is ready to adjourn sine die.

The Speaker app[illegible]

Representatives [illegible]

A communication from the [illegible] Sixty-[illegible]

[illegible] transmitted [illegible] reports [illegible] Sixty-[illegible]

ADDENDUM
HOUSE JOURNAL
FIFTY-SECOND LEGISLATURE
JANUARY 1992 SPECIAL SESSION

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/17/92
Delivered to the Governor for his approval at 12:50 p.m., 1/17/92: HB 3, HB 14, HB 17, HB 21
Delivered to the Secretary of State, 1/17/92: HB 19, HJR 2

SPECIAL ORDERS OF THE DAY

1/17/92

Speaker Harper appointed the following member to the Interim Committee to study remaining school funding equity issues to replace Representative Fred Thomas (SJR 27, 1991 Session):

Representative Royal Johnson

MESSAGES FROM THE GOVERNOR

January 21, 1992

The Honorable Hal Harper
Speaker
House of Representatives
State Capitol
Helena, MT 59620

Dear Speaker Harper:

Please be informed that I signed House Bills 5, 6, 9, 12, 13 and 18 on January 21, 1992.

Sincerely,

Stan Stephens
Governor

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/22/92
Correctly enrolled: HB 4, HB 10, HJR 1
Signed by the Speaker at 9:00 a.m., 1/22/92: HB 4, HB 10, HJR 1

REPORTS OF STANDING COMMITTEES

BILLS (Menahan, Chairman): 1/23/92
Delivered to the Governor for his approval at 10:30 a.m., 1/23/92: HB 4, HB 10
Delivered to the Secretary of State, 1/23/92: HJR 1
Correctly enrolled: HB 2
Signed by the Speaker at 11:30 a.m., 1/23/92: HB 2
Delivered to the Governor for his approval at 11:35 a.m., 1/23/92: HB 2

MESSAGES FROM THE GOVERNOR

February, 4, 1992

The Honorable Hal Harper
Speaker
House of Representatives
State Capitol
Helena, MT 59620

Dear Speaker Harper:

Please be informed that I signed House Bills 2, 3, 4, 10, 14, 17 and 21 on February 4, 1992.

Sincerely,

Stan Stephens
Governor

Hal Harper, Speaker

Joyce Andrus, Chief Clerk

JANUARY 1992

SPECIAL SESSION

TITLE INDEX

SENATE BILLS

AS INTRODUCED

Boldface figures refer to roll calls

1 INTRODUCED BY HARP (BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION): A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE EFFECTIVE DATE AND APPLICABILITY DATE OF CHAPTER 823, LAWS OF 1991; ENSURING THAT NO UNINTENDED PENSION BENEFIT RESULTS FROM THAT ACT; AMENDING SECTION 22, CHAPTER 823, LAWS OF 1991; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SENATE PAGE NO. 7, 17, 19, **20**, 71, 85, 95.

HOUSE PAGE NO. 189, 253, **259**, **261**.

2 INTRODUCED BY MAZUREK, ET AL. (BY REQUEST OF THE SECRETARY OF STATE AND THE DEPARTMENT OF JUSTICE): A BILL FOR AN ACT ENTITLED: "AN ACT TO ADDRESS THE PROBLEMS, ALTERNATIVES, AND CONTINGENCIES ARISING FROM THE STATE'S SUIT FOR RELIEF FROM A CONGRESSIONAL APPORTIONMENT THAT ALLOCATED ONLY ONE CONGRESSIONAL SEAT TO THE STATE OF MONTANA; TO DETERMINE THE ALTERNATIVE PROCEDURES FOR PRIMARY FILING AND FOR THE PRIMARY AND GENERAL ELECTIONS IF A FINAL DETERMINATION IS MADE THAT MONTANA IS ENTITLED TO ONLY ONE CONGRESSIONAL REPRESENTATIVE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATE PAGE NO. 15, 17, 20, **21**, 27, 66, 95.

HOUSE PAGE NO. 189, **190**, 220, 280.

3 INTRODUCED BY B. BROWN (BY REQUEST OF THE DEPARTMENT OF REVENUE): A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ESTABLISH AND MAINTAIN STATE EMPLOYEE-OPERATED LIQUOR STORES AFTER DECEMBER 31, 1992; PHASING OUT EXISTING STATE EMPLOYEE-OPERATED LIQUOR STORES PRIOR TO DECEMBER 31, 1992; EXEMPTING THE PHASEOUT OF STATE EMPLOYEE-OPERATED LIQUOR STORES FROM THE PRIVATIZATION PLAN REVIEW REQUIREMENTS OF TITLE 2, CHAPTER 8, PART 3, MCA; PROVIDING AUTHORITY FOR STATE AGENCY

LIQUOR STORES TO APPLY FOR AND RECEIVE RETAIL OFF-PREMISES CONSUMPTION BEER AND TABLE WINE LICENSES; PROVIDING REDUCTION-IN-FORCE RIGHTS FOR DISPLACED LIQUOR STORE EMPLOYEES; PROVIDING A METHOD OF STATE FINANCING FOR AN EMPLOYEE-OWNED ENTERPRISE; AMENDING SECTIONS 2-17-101, 16-1-103, 16-1-105, 16-1-106, 16-1-202, 16-1-301, 16-1-302, 16-1-303, 16-1-304, 16-1-402, 16-2-101, 16-2-103, 16-2-104, 16-2-107, 16-2-108, 16-2-201, 16-2-203, 16-2-301, 16-2-302, 16-2-303, 16-3-103, 16-3-106, 16-3-307, 16-3-401, 16-3-402, 16-4-105, 16-4-401, 16-6-107, 16-6-303, 17-6-305, 17-6-308, 17-6-310, AND 17-6-318, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATE PAGE NO. 17, **52**.

4 INTRODUCED BY AKLESTAD: A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A PROPOSED SUPPLEMENTAL APPROPRIATION; PROVIDING A PROCEDURE FOR THE REVIEW OF A PROPOSED SUPPLEMENTAL APPROPRIATION; AMENDING SECTION 17-7-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATE PAGE NO. 34, 51, **60**, 77, 85, 95.

HOUSE PAGE NO. 254, 255, 258, **264**, **266**.

5 INTRODUCED BY BLAYLOCK, ET AL.: A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING STATE LOANS TO SCHOOL DISTRICTS TO PAY HOLDERS OF SCHOOL DISTRICT BONDS DECLARED INVALID OR UNENFORCEABLE BY A FINAL COURT ORDER OR INJUNCTION; PROVIDING CRITERIA TO QUALIFY FOR THE STATE LOANS; ESTABLISHING A COAL SEVERANCE TAX SCHOOL BOND CONTINGENCY LOAN FUND; REQUIRING A SCHOOL DISTRICT TO INCLUDE A COVENANT IN THE BOND RESOLUTION; LIMITING THE AMOUNT OF STATE-SECURED LOAN AUTHORITY ALLOCABLE TO SCHOOL DISTRICTS; AMENDING SECTIONS 17-5-703, 17-5-704, 17-5-1608, AND 17-6-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATE PAGE NO. 34, **49**, **50**, **56**, 57, 58, **59**, **62**, **71**, **73**, 85, 95.

HOUSE PAGE NO. 254, 255, 258, **260**, **262**.

HOUSE BILLS

1 INTRODUCED BY BARDANOUVE: A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR THE OPERATION OF THE FIRST SPECIAL SESSION OF THE 52ND LEGISLATURE, CONVENING JANUARY 6, 1992, AND FOR OTHER RELATED PURPOSES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE PAGE NO. 102, 109, **110**, **112**, 115, 189, 204.

SENATE PAGE NO. 17, **20**, **21**, 23.

2 INTRODUCED BY THOFT, ET AL. (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE APPROPRIATIONS FOR THE 1992 BIENNIUM; AMENDING THE GENERAL APPROPRIATIONS ACT OF 1991 AND OTHER ACTS APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 1993; AMENDING CHAPTER 815; SECTION 9, CHAPTER 526; SECTION 2, CHAPTER 546; SECTION 1, CHAPTER 556; SECTION 4, CHAPTER 559; SECTION 16, CHAPTER 604; SECTION 6, CHAPTER 634; SECTION 1, CHAPTER 707; SECTION 1, CHAPTER 753; SECTION 12, CHAPTER 765; SECTION 6, CHAPTER 774; SECTION 5, CHAPTER 816; AND SECTION 1, CHAPTER 820, LAWS OF 1991; REPEALING SECTION 7, CHAPTER 725, LAWS OF 1991; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE PAGE NO. 102, 117, **191**, **209**, **213**, 249, **250**, 255, 267, 269, 273, **277**, **278**, 287, 288.

SENATE PAGE NO. 28, 29, **33**, **35**, **40**, **43**, **45**, **46**, **47**, 52, **63**, **77**, 79, 85, **89**, **91**.

3 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT ACCEPTING AN AMENDMENT TO THE ENABLING ACT IN ORDER TO ALLOW CERTAIN TIMBER TO BE TREATED AS A CROP; TREATING TIMBER HARVESTED FROM SCHOOL TRUST LANDS AS A CROP; AMENDING SECTIONS 20-9-341 AND 20-9-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE PAGE NO. 102, 208, **215**, **218**, 220, 263, **264**, **266**, 270, 272, 279, 287, 288.

SENATE PAGE NO. 28, 33, **52**, 65, **69**, **72**, 77, 85.

4 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND $1.5 MILLION FROM UNEMPLOYMENT INSURANCE ADMINISTRATIVE FUNDS COLLECTED

THROUGH STATE ASSESSMENTS; AMENDING SECTIONS 39-51-404 AND 39-51-406, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 102, 188, 204, **215**, **218**, 220, 281, 287, 288.

SENATE PAGE NO. 28, 33, **53**, **59**.

5 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND A CERTAIN AMOUNT OF MONEY DEPOSITED IN THE INTERNAL SERVICE FUND FROM RECEIPTS FROM THE SALE OF GOODS PRODUCED OR MANUFACTURED BY A STATE INSTITUTION; AMENDING SECTION 53-1-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 102, 188, 204, **216**, **219**, 220, 254, 262, 269, 270, 287.

SENATE PAGE NO. 28, 33, **53**, **59**.

6 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND CERTAIN FEES ADMINISTERED BY THE DEPARTMENT OF JUSTICE; AMENDING SECTIONS 61-2-107, 61-5-121, AND 61-12-504, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

HOUSE PAGE NO. 102, 188, 204, 220, **223**, **226**, 231, 254, 262, 269, 270, 287.

SENATE PAGE NO. 33, 34, 51, **53**, **60**.

7 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE RETENTION OF CERTAIN FUNDS THAT ARE NOT NEEDED FOR DISTRICT COURT EXPENSE REIMBURSEMENTS AND THAT WOULD OTHERWISE BE REFUNDED TO COUNTIES; AMENDING SECTION 61-3-509, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 102, 188, 204, **217**, **219**, 220, 253.

SENATE PAGE NO. 28, **34**.

8 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT

OF HEALTH AND ENVIRONMENTAL SCIENCES TO TRANSFER TO THE GENERAL FUND FROM THE HAZARDOUS WASTE/CERCLA ACCOUNT AND THE ENVIRONMENTAL QUALITY PROTECTION FUND A TOTAL NOT TO EXCEED $1 MILLION; AMENDING SECTIONS 75-10-621 AND 75-10-704, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 102, 188, 208.

9 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND A PORTION OF CERTAIN FEES COLLECTED BY THE SECRETARY OF STATE; AMENDING SECTIONS 2-4-313 AND 2-6-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 102, 188, 204, **220**, **227**, 231, 254, 262, 269, 270, 287.

SENATE PAGE NO. 33, 34, 51, **54**, **60**.

10 INTRODUCED BY THOFT (BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING): A BILL FOR AN ACT ENTITLED: "AN ACT DIVERTING TO THE GENERAL FUND COAL SEVERANCE TAX FUNDS THAT WOULD OTHERWISE BE DEPOSITED IN THE HIGHWAY RECONSTRUCTION TRUST FUND ACCOUNT; AMENDING SECTION 15-35-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 102, 188, 204, **221**, **227**, 231, 263, 265, **269**, 271, 272, 280, **282**, **284**, 287, 288.

SENATE PAGE NO. 33, 34, 51, **53**, **67**, **72**, 78, **79**, 90, **92**.

11 INTRODUCED BY BARDANOUVE: A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE GOVERNOR HAS THE AUTHORITY TO DIRECT EXECUTIVE BRANCH AGENCIES TO REDUCE SPENDING IN THE EVENT OF A SHORTFALL IN REVENUE; PROVIDING GUIDELINES FOR DIRECTING AGENCIES TO REDUCE SPENDING; DEFINING THE TERM "SHORTFALL IN REVENUE"; AMENDING SECTION 17-7-140, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE PAGE NO. 102, 205, 232, 243, **244**, **247**, 249, 281.

SENATE PAGE NO. 49, 78, **79**.

12 INTRODUCED BY CONNELLY, ET AL. (BY REQUEST OF THE LONG-RANGE PLANNING SUBCOMMITTEE): A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN GRANTS MADE UNDER THE WATER DEVELOPMENT PROGRAM, THE RENEWABLE RESOURCE DEVELOPMENT PROGRAM, AND THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM ARE NOT REAUTHORIZED; AMENDING SECTION 12, CHAPTER 551, LAWS OF 1991, AND SECTION 5, CHAPTER 552, LAWS OF 1991; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE PAGE NO. 115, 188, 204, **221**, **228**, 231, 254, 262, 269, 270, 287.

SENATE PAGE NO. 33, 34, 51, **54**, **61**.

13 INTRODUCED BY CONNELLY, ET AL. (BY REQUEST OF THE LONG-RANGE PLANNING SUBCOMMITTEE): A BILL FOR AN ACT ENTITLED: "AN ACT DIVERTING TO THE MONTANA ARTS COUNCIL, FOR OPERATING EXPENSES, A PORTION OF THE COAL SEVERANCE TAX NOW DEDICATED TO THE NONEXPENDABLE TRUST FUND FOR THE PURPOSE OF PROTECTION OF WORKS OF ART IN THE STATE CAPITOL AND FOR OTHER CULTURAL AND AESTHETIC PROJECTS; AMENDING SECTIONS 15-35-108 AND 22-2-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 115, 188, 204, **222**, **228**, 231, 254, 262, 269, 270, 287.

SENATE PAGE NO. 33, 34, 51, **55**, **61**.

14 INTRODUCED BY GILBERT, ET AL. (BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE): A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PAYMENT OF ESTIMATED INDIVIDUAL INCOME TAXES IN FOUR INSTALLMENTS; TO ESTABLISH THAT AN AMOUNT EQUAL TO AT LEAST 90 PERCENT OF THE TAX DUE IN THE CURRENT TAX YEAR OR EQUAL TO 100 PERCENT OF THE TAX LIABILITY IN THE PRECEDING TAX YEAR MUST BE PAID THROUGH PAYMENT OF ESTIMATED TAXES, THROUGH EMPLOYER WITHHOLDING, OR THROUGH A COMBINATION OF BOTH; TO PROVIDE CERTAIN EXCEPTIONS FROM THE PAYMENT OF ESTIMATED TAXES; TO ALLOW PAYMENT OF ESTIMATED TAXES ON THE BASIS OF ANNUALIZED INSTALLMENTS; TO REQUIRE PAYMENT OF A PENALTY FOR FAILURE TO PAY THE REQUIRED INSTALLMENT OF ESTIMATED TAXES; TO PROVIDE AN APPROPRIATION; AMENDING SECTION 15-30-241, MCA; REPEALING SECTION 15-30-242, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

HOUSE PAGE NO. 115, 231, **237**, **239**, 243, 264, 272, 279, 287, 288.

SENATE PAGE NO. 49, 67, **70**, **73**, 85.

15 INTRODUCED BY COHEN: A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND $920,000 FROM THE PETROLEUM TANK RELEASE CLEANUP FUND; AMENDING SECTION 75-11-313, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 205, 214, **224**, **229**, **236**.

16 INTRODUCED BY COHEN: A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND $1,143,464 FROM THE 9-1-1 EMERGENCY TELECOMMUNICATIONS ACCOUNT; AMENDING SECTIONS 10-4-301 AND 10-4-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 205.

17 INTRODUCED BY D. BROWN: A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND $190,000 FROM THE GAMBLING LICENSE FEE ACCOUNT; AMENDING SECTION 23-5-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 205, 214, **225**, **229**, 231, 255, **259**, **260**, 270, 272, 279, 287, 288.

SENATE PAGE NO. 33, 34, 51, **55**, **62**, 77, 85.

18 INTRODUCED BY WANZENRIED, ET AL.: A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND AMOUNTS IN EXCESS OF $50,000 IN THE SCIENCE AND TECHNOLOGY DEVELOPMENT ACCOUNT; CLARIFYING THE REVENUE TO BE DEPOSITED IN THE SCIENCE AND TECHNOLOGY DEVELOPMENT ACCOUNT; AMENDING SECTIONS 90-3-305 AND 90-3-525, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 205, 214, 220, **226**, **230**, 231, 254, 262, 269, 270, 287.

SENATE PAGE NO. 33, 34, 52, **55**, **62**.

19 INTRODUCED BY HARPER, ET AL.: A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A TREASURE STATE ENDOWMENT PROGRAM; CREATING THE TREASURE STATE ENDOWMENT FUND WITHIN THE COAL

SEVERANCE TAX TRUST FUND; PROVIDING THAT ONE-HALF OF THE ANNUAL REVENUE THAT WOULD OTHERWISE BE DEPOSITED IN THE COAL SEVERANCE TAX PERMANENT FUND BE DEPOSITED IN THE ENDOWMENT FUND; AUTHORIZING THE USE OF INTEREST FROM THE ENDOWMENT FUND FOR GRANTS, DEBT RETIREMENT, AND LOANS TO LOCAL GOVERNMENTS; TRANSFERRING $10 MILLION FROM THE PERMANENT FUND TO THE ENDOWMENT FUND; EXPANDING THE COAL SEVERANCE TAX BOND PROGRAM; SUBMITTING THE CREATION OF THE PROGRAM TO THE QUALIFIED ELECTORS OF MONTANA; AND AMENDING SECTIONS 17-5-701 AND 17-5-703, MCA."

HOUSE PAGE NO. 205, 240, 243, **245**, **247**, 249, 263, **265**, **267**, 270, 272, 279, 287.

SENATE PAGE NO. 49, 65, **69**, **72**, 77, 85.

20 INTRODUCED BY BARDANOUVE: A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND $200,000 FROM THE JUNK VEHICLE DISPOSAL ACCOUNT; AMENDING SECTION 75-10-532, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 215.

21 INTRODUCED BY BARDANOUVE: A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE GENERAL FUND $250,000 FROM THE CRIME VICTIMS COMPENSATION ACCOUNT; AMENDING SECTION 53-9-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

HOUSE PAGE NO. 215, 231, **238**, **239**, 243, 264, 272, 279, 287, 288.

SENATE PAGE NO. 49, 65, **69**, **73**, 85.

HOUSE JOINT RESOLUTIONS

1 INTRODUCED BY GILBERT, ET AL. (BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE): A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REVISING THE OFFICIAL ESTIMATE, CONTAINED IN HOUSE JOINT RESOLUTION NO. 24, LAWS OF 1991, OF THE STATE'S ANTICIPATED REVENUE FOR EACH YEAR OF THE 1992-93 BIENNIUM FOR THE PURPOSE OF ACHIEVING A BALANCED BUDGET AS MANDATED BY ARTICLE VIII, SECTION 9, OF THE MONTANA CONSTITUTION; ACCEPTING THE JUNE 30, 1991, GENERAL FUND AND STATE EQUALIZATION ACCOUNT BALANCES THAT WERE ESTABLISHED BASED ON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; REQUESTING THE GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING TO USE THE REVENUE ESTIMATES CONTAINED IN THIS RESOLUTION AS OFFICIAL REVENUE ESTIMATES FOR THE REMAINDER OF FISCAL YEAR 1992 AND FOR FISCAL YEAR 1993; AND ESTABLISHING AN ESTIMATE OF THE NONGENERAL FUND REVENUES FOR THE STATE EQUALIZATION ACCOUNT.

HOUSE PAGE NO. 115, 242, 243, **244**, **248**, 249, 281, **282**, **283**, 287.

SENATE PAGE NO. 49, 75, **79**, **82**, **91**.

2 INTRODUCED BY BARDANOUVE, ET AL.: A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE DIRECTOR OF THE DEPARTMENT OF COMMERCE TO REVIEW THE FUNDS AND FUND BALANCES OF THE BOARDS ATTACHED TO THE DEPARTMENT AND TO REPORT THE FINDINGS TO THE REVENUE OVERSIGHT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE.

HOUSE PAGE NO. 240, 249, 253, **256**, 271, 272, 279, 287.

SENATE PAGE NO. 67, 78, **81**, 85.

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